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CHAPTER 8

SUBDIVISIONS

SECTION 8.100 GENERAL PROVISIONS

8.101 TITLE

- (1) The regulations in this Chapter 8 shall officially be known, cited, and referred to as the Subdivision Ordinance of the City of Round Rock, Texas.
- (2) It shall be the policy of the City to consider the Subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the General Plan for the orderly, planned, efficient and economical development of the City.

8.102 STATUTORY AUTHORITY

This Chapter is adopted under the authority of the Constitution and laws of the State of Texas, particularly Chapter 212, Municipal Regulation of Subdivisions and Property Development, of the Texas Local Government Code; other applicable chapters of this Code; and any other authority provided by law, or as such statutes may be amended.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the State of Texas to the City.

8.103 APPLICABILITY AND JURISDICTION

The owner of any tract of land within the corporate limits of the City or within the Extraterritorial Jurisdiction of the City as prescribed by state law, as amended, who intends to develop an Addition to the City or who divides any tract in two (2) or more parts to lay out a Subdivision of the tract of land, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use for or the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts must have a Plat of the Subdivision or Addition prepared, approved and recorded in accordance with the requirements of this Chapter. A division of a tract of land under this Chapter includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of a tract of land under this Chapter does not include a division of land into parts greater than five acres, where each part has access and no Public Improvement is being dedicated.

8.104 EXCEPTIONS

A Plat is required for any tract of land divided into two (2) or more parts, as provided for in Section 8.103 above, except as provided in the Texas Local Government Code or for the following:

- (1) The division of land into parts greater than five (5) acres each, each part having access to a public street, where no Public Improvement is dedicated;
- (2) The acquisition of land by the City, County or State for public facilities; or
- (3) The acquisition of land by a public utility for the purpose of providing or housing needed infrastructure in order to provide utility service to an immediate area.

8.105 PURPOSES

The provisions of this Chapter are adopted to protect and provide for the public health, safety and general welfare of the City as provided below:

- (1) To guide the future growth and development of the City in accordance with the General Plan;
- (2) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population;
- (3) To protect the character, social, and economic stability of all parts of the City;
- (4) To encourage the orderly and beneficial development of the City through appropriate growth management techniques assuring the timing and sequencing of development;
- (5) To guide public and private policy and action in order to provide adequate and efficient transportation, water, wastewater, schools, parks, and other Public Improvements and facilities;
- (6) To provide for the most beneficial relationship between the uses of land and the circulation of traffic throughout the City;
- (7) To establish reasonable standards of design and procedures for Plats and Replats of land in order to further the orderly layout and use of land;
- (8) To ensure that Developers provide for the required Public Improvements attributable to development;
- (9) To prevent the pollution of air and water; to assure the adequacy of drainage facilities; to safeguard the underground water reserves; and to encourage the use and management of natural resources throughout the City;

- (10) To provide for parkland and open spaces through the most efficient design and layout of the land;
- (11) To ensure that land is subdivided to provide for uses of land for which market demand exists and which are in the public interest;
- (12) To prevent the creation of divisions of land or development of substandard Public Improvements in violation of this Chapter; and
- (13) To minimize the long term costs to the City for repair and maintenance of Public Improvements.

8.106 DEFINITIONS

For the purposes of this Chapter, the following words, terms and phrases, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

- (1) Abut or Abutting shall mean to physically touch, border, or share a common property line. This term indicates a closer proximity than the term "adjacent."
- (2) Addition shall mean one lot, tract or parcel of land lying within the corporate limits or ETJ which is intended for the purpose of development.
- (3) Adjacent shall mean lying near or close to.
- (4) Alley shall mean a public or private way intended for access and service to the rear or side of a property, but not intended for general traffic circulation.
- (5) Alternative Standards Agreement shall mean an agreement between the City and Developer and/or owner of the land that modifies the regulations herein.
- (6) Block shall mean a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
- (7) Certify shall mean a declaration made in any manner, oral or written, which provides reasonable assurance of the accuracy of the declaration.
- (8) City shall mean the City of Round Rock, a home rule municipal corporation.
- (9) City Council shall mean the City Council of the City of Round Rock.
- (10) City Engineer shall mean the head of the Engineering and Development Services Department of the City, or an authorized representative.
- (11) Code or "this Code" shall mean the latest edition of the Code of Ordinances, City of Round Rock, Texas, as amended.

- (12) Concept Plan shall mean a plan submitted by a Developer for the purpose of implementing an integrated development scheme of a proposed Addition or Subdivision, and to foster general consensus regarding compliance with this Chapter.
- (13) Corporate Limits shall mean the boundaries of the City.
- (14) County shall mean Travis or Williamson County, Texas, whichever is applicable.
- (15) Cul-de-sac shall mean a local street with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.
- (16) Dedication shall mean the commitment of land, or an easement therein, by the owner, for the use of the public, and accepted for such use by or on behalf of the public.
- (17) Deed shall mean a warranty deed in a form approved by the City Attorney.
- (18) Department of Planning and Community Development or Planning Department shall mean the offices of the City which oversee the administration of the Subdivision regulations contained in this Chapter.
- (19) Design and Construction Standards shall mean the specifications, procedures, and standards approved by the City Council, as amended for the purpose of regulating the design and construction of specified Public Improvements, a copy of which shall be maintained by the City Secretary and available through the Engineering and Development Services Department.
- (20) Developer shall mean the person or entity who submits an application pursuant to this Chapter. A Developer includes the owner of a tract of land, or an authorized agent of an owner.
- (21) Development shall mean the subdividing of land as well as any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion or enlargement of any structure; and any mining, dredging, filling, grading, paving, excavation or drilling operations.
- (22) Development Packet shall mean the set of application procedures and fees maintained and on file at the Planning Department pertaining to, among other things, the platting and Subdivision of land.
- (23) Easement shall mean an easement dedicated by Plat or separate instrument to and/or for the use by the public.
- (24) Easement, public utility shall mean an easement dedicated by Plat or separate instrument to and/or for the use by a public utility.
- (25) Easement Vacation shall mean the nullification of all or a portion of an easement established in a previously Recorded Plat or by separate instrument by recording the vacation instrument with the County.

- (26) Engineer shall mean a person who is duly licensed and registered to engage in the practice of professional engineering in the State of Texas.
- (27) Engineer's Report shall mean a written report sealed by an engineer, including schematic diagrams as appropriate, addressing and describing utility service, drainage, streets and flood plain issues, and any other items that may be listed in the Development Packet.
- (28) Extraterritorial Jurisdiction (ETJ) shall mean the unincorporated area that is contiguous to the corporate limits of the City as further provided for in the Texas Local Government Code, Section 42.021.
- (29) Frontage shall mean the line where a parcel of land, lot or site abuts a public street.
- (30) General Plan shall mean the planning documents and related materials officially adopted by the City, as amended, containing the goals, objectives and policies pertaining to urban growth, community facilities, housing, infrastructure, parks, transportation and other subjects related to the development of the City. The current General Plan is known as the "General Plan 2000" as adopted by Chapter 11 of this Code, but the term shall include all future amendments and revised plans.
- (31) Living Unit Equivalent (LUE) shall mean a unit of measurement used to facilitate the sizing of water and wastewater mains.
- (32) Lot shall mean a parcel of land shown on a Final Plat of record and having frontage upon (i) a public street and shown on a Final Plat of record, or (ii) an alternate public access to a public street through an approved planned unit development zoning district, as provided for in Chapter 11.

(Ordinance No. S-06-06-22-9C2 of June 22, 2006)

- (33) Lot, Corner shall mean a lot located at the intersection of two (2) or more streets.
- (34) Lot, Double Frontage shall mean any lot having frontage on two (2) streets which are nonintersecting.
- (35) Lot, Flag shall mean any lot whose frontage and access is provided by way of a narrow projection of the lot to the street.
- (36) Lot Line shall mean the boundary of a lot.
- (37) Non-Recorded Subdivision shall mean a tract that has been divided, for which a Plat has not been recorded in the Official Plat Records of the County.
- (38) Official Filing Date shall mean the date provided in a schedule adopted by the Planning and Zoning Commission indicating when a Concept Plan or Plat submittal may be filed with the City in order to comply with the Planning and Zoning Commission Meeting calendar.

- (39) Off-site shall mean located outside the boundary area of the property to be platted.
- (40) Parcel shall mean a contiguous tract of land owned by or controlled by the same person or entity.
- (41) Parent Tract shall mean the tract or parcel of land from which the property being platted is derived and is owned by the Developer of the property being platted; provided however that the Developer may exclude from the Parent Tract any land in excess of five hundred (500) acres including the property being platted. The Planning Director may determine what portion of the Developer's land will be included in the Parent Tract up to the five hundred (500) acre limit.
- (42) Parks Director shall mean the Director of the Parks and Recreation Department of the City, or an authorized representative.
- (43) Park Zone shall mean areas identified on a Park Zone map adopted by City Council.
- (44) Peak Hour shall mean the time periods on a typical weekday of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., or as otherwise defined by the Transportation Director.
- (45) Person shall mean an individual, a corporation, a partnership, a joint venture, an association or other legal entity.
- (46) Planning Director shall mean the Director of the Planning Department of the City, or an authorized representative.
- (47) Planning and Zoning Commission or Commission shall mean the Planning and Zoning Commission of the City which under state law has responsibility for Plat approval within the corporate limits and within the ETJ.
- (48) Plat shall mean the map describing an Addition, Subdivision or Replat including any streets, alleys, squares, parks or parts of a tract intended to be dedicated to public use.
- (49) Plat, Amending shall mean a change to a Recorded Plat as permitted in Section 8.209 of this Chapter.
- (50) Plat, Final shall mean the Plat that is presented to the Planning and Zoning Commission for final approval.
- (51) Plat, Minor Subdivision Final shall mean the Plat that is presented to the Planning and Zoning Commission for final approval without the submission of a Concept Plan or Preliminary Plat.
- (52) Plat, Preliminary shall mean the Plat indicating the proposed layout of the Subdivision or Addition that is presented to the Planning and Zoning Commission for preliminary approval.

- (53) Plat, Recorded shall mean the duly approved Final Plat filed in the Official Plat Records of the County.
- (54) Plat Vacation shall mean a Recorded Plat which is vacated through the procedures described in this Chapter.
- (55) Predevelopment Conference shall mean a meeting of the Developer and/or his engineer with the Planning Director; and as needed with the Parks Director, City Engineer, Utility Director and/or the Transportation Director to identify and evaluate items to be addressed with the initial submittal through the review of a sketch plan.
- (56) Protected Tree shall mean a tree, including a Monarch Tree, as the term is defined in Section 3.1100 of this Code, that due to its size, species or unique characteristics is protected from arbitrary removal, as provided in Section 3.1105 of this Code.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005)

- (57) Public Improvement shall mean any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public or private utilities, parks or recreational area or use, energy or similar essential public services and facilities, for which the City may ultimately assume the responsibility for maintenance and operation or ownership, or both. Public Improvements include but are not limited to, the following: grading, drainage facilities, streets and other rights-of-way, potable water system, sanitary sewerage system, survey monuments, illumination including street lights, traffic control signs and traffic signalization, landscaping and irrigation, walls, fire protection, sidewalks and curb ramps, street name signs, traffic control signs, street pavement markings, and parkland improvements.
- (58) Public Utility shall mean an enterprise which provides to the public a utility service deemed necessary for the public health, safety and welfare; and includes all buildings, structures and facilities relating thereto.
- (59) Recordation shall mean the act of recording a Plat, which has been approved by the City as required by this Chapter, as an official record in the Plat Records of the Office of the County Clerk.
- (60) Replat shall mean to resubdivide all or any part of a Recorded Plat, which does not require the vacation of the entire preceding Plat, but not including an Amending Plat.
- (61) Right-of-way shall mean land dedicated by a Plat or by separate instrument to and for use as a public roadway.
- (62) Roadway shall mean the paved area of a street between the face of the curb lines, including the driving, parking and bicycle lanes.
- (63) Stormwater means the runoff or flow caused by rainfall.

- (64) Stormwater Drainage Facilities shall mean the system of pipes, appurtenances and open channels used to collect and transport stormwater.
- (65) Stormwater Management shall mean the control and management of stormwater to minimize the detrimental effects of surface water runoff.
- (66) Street shall mean the right-of-way and all associated improvements including, but not limited to, the sidewalk, curb, gutter, median, roadway and landscaped areas.
- (67) Street, Stub shall mean a street that has been designed to allow for the future extension of the street onto or through abutting land.
- (68) Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more parts.
- (68.1) Subdivision Development Permit shall mean a permit issued by the Planning Director, after the recording of a Final Plat, authorizing a Developer to proceed with the next step in the development process of the lot(s) within the recorded Final Plat, as set forth in Section 8.206(6).

(Ordinance No. G-05-09-22-13C2 of September 22, 2005)

- (69) Subdivision Improvement Construction Plans shall mean engineering plans required by the City for the construction and installation of Public Improvements necessary to provide required services for proper development including, but not limited to, plans for grading, drainage facilities, water and sewer, open space, parks or other recreational space, streets and illumination of streets.
- (70) Surveyor shall mean a person who is a registered professional land surveyor and licensed by the State of Texas.
- (71) Traffic, Average Daily (ADT) shall mean the average number of vehicles that pass a specified point during a twenty-four (24) hour period.
- (72) Traffic Impact Analysis (TIA) shall mean a report analyzing current and future traffic movements with and without an Addition's or Subdivision's impact, which includes an analysis of mitigation measures and which shall be prepared by a licensed Professional Engineer.
- (73) Transportation Director shall mean the Director of the Transportation Services Department of the City, or an authorized representative.
- (74) TCEQ shall mean the Texas Commission on Environmental Quality or its successor.
- (75) Utility Director shall mean the Director of the Water/Wastewater Utility Department of the City, or an authorized representative.

- (76) Ultimate One Hundred Year Floodplain (100-Year Floodplain) shall mean the area of land that would be inundated by a flood having a one percent (1%) chance of occurring in any given year based on the expected fully developed state of the upstream contributing drainage area.
- (77) Ultimate Twenty Five Year Floodplain (25-Year Floodplain) shall mean the area of land that would be inundated by a flood having a four percent (4%) chance of occurring in any given year based on the expected fully developed state of the upstream contributing drainage area.
- (78) Wastewater shall mean solids, liquids, or gaseous materials discharged into an approved wastewater collection and treatment system.
- (79) Wastewater System shall mean the system of pipes and appurtenances used to collect and transport wastewater.

8.107 PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City, pursuant to Section 12.04 of the Round Rock City Charter, is vested with the authority to review, approve, conditionally approve, and disapprove applications for the Plats of land as provided in this Chapter.

8.108 STANDARDS FOR APPROVAL

The Planning and Zoning Commission shall approve a Plat if it conforms to the General Plan and to the requirements of this Code while taking into account access to and extension of the City wastewater system, stormwater drainage facilities, and water mains. In rendering its decision, the Planning and Zoning Commission shall also consider the location of current and future Streets, alleys, parks, easements, and other required Public Facilities within the City and its ETJ.

8.109 INTERPRETATION AND VALIDITY

(1) General

The provisions of this Chapter shall be considered to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be interpreted and construed broadly to promote the purposes within Section 8.105.

(a) Public provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in this Chapter. Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter or any other ordinance, rule or regulation or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(b) Private provisions

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this Chapter shall govern. Where possible, private provisions not inconsistent with the requirements of this Chapter shall be operative and supplemental to these regulations.

(2) Rules of construction

When not inconsistent with the context, words used in the present tense shall include the future; words in the singular shall include the plural, and those in the plural shall include the singular; "shall" is mandatory and "may" is permissive.

(3) Severability

If any part or provision or the application of this Chapter to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other property owners or circumstances.

8.110 AMENDMENTS

From time to time, the City Council may consider and adopt amendments to this Chapter.

8.111 PERMIT ISSUANCE(1) Building permits

Except as provided below, no building permits, certificates of occupancy, or other permits of any kind shall be issued by the City for the construction or development of any parcel of land until a Plat has been recorded in accordance with this Chapter and the requirements of Chapter 3 (Building Regulations) of this Code have been satisfied.

- (a) A Plat is not required for the construction of a Wireless Transmission Facility on a parcel of land.
- (b) A Plat is not required for the construction of a building or structure on property zoned AG, provided that no on-site or off-site Public Improvements are needed to serve the parcel of land.

(Ordinance No. S-06-07-13-13D7 of July 13, 2006)

(2) Certificate of Occupancy

Whenever a Plat is required by this Chapter, no certificate of occupancy shall be issued for a building on a lot within a Plat until such time that the required Public Improvements serving all lots within the Recorded Plat have been completely installed, inspected, and accepted by the City as required in Section 8.700 of this Chapter.

8.112 CONNECTION OF UTILITIES(1) General

A tract of land may not be served or connected with City utilities unless a Plat has been approved and recorded for said tract of land, nor shall the City have any obligation to extend utility service to any parcel created in violation of this Chapter.

(2) Applicability

This Section 8.112 shall not apply to a tract of land that was first served or connected with the City's utilities prior to January 1, 1970.

8.113 NON-RECORDED SUBDIVISIONS(1) Purpose

The City Council finds that strict compliance to the regulations of this Chapter for certain Non-Recorded Subdivisions may result in undue hardship. The City Council shall designate such Non-Recorded Subdivisions by resolution duly adopted. So that the purposes of this Chapter may be fulfilled, the City Council may modify the requirements of this Chapter's regulations for those Non-Recorded Subdivisions so designated.

(Ordinance No. S-05-06-23-13C5 of June 23, 2005)

(2) Criteria for Recognition of Non-Recorded Subdivisions(a) Required Findings

The City Council shall recognize a Non-Recorded Subdivision and authorize the modification of the requirements of this Chapter when an unnecessary hardship would result from the strict enforcement of this Chapter. In granting a modification from the requirements of this Chapter, the City Council shall prescribe only conditions it deems not prejudicial to the public interest. Modifications from the requirements of this Chapter shall only be granted if the City Council finds all of the following:

(i) Extraordinary Conditions

That there are extraordinary or special conditions affecting the tract of land involved such that strict application of the provisions of this Chapter would cause undue hardship.

(ii) Application of a Substantial Property Right

That the modification from the requirements of this Chapter is necessary for the preservation and application of a substantial property right of the Developer.

(iii) Substantial Detriment

That granting modification from the requirements of this Chapter will not be detrimental to the public health, safety or welfare, injurious to other property in the area or to the City in administering this Chapter.

(iv) Other Property

That these conditions do not generally apply to other tracts of land in the vicinity.

(v) Developer's Actions

That the conditions are not the result of the Developer's own actions.

(vi) General Plan

That granting modification from the requirements of this Chapter will not substantially conflict with the General Plan and the purposes of this Chapter.

(b) Profitability Not Considered

The fact that the tract of land would be of more value should modification from the requirements of this Chapter be granted may not be considered as grounds for recognizing the tract of land as a Non-Recorded Subdivision.

8.114 CERTIFICATION REGARDING COMPLIANCE WITH PLAT REQUIREMENTS

On the written request of a Developer, a utility provider, or a governing body, and in compliance with the Texas Local Government Code, Section 212.0115 as amended, the Planning Director shall make the following determinations regarding the tract of land identified in the request:

- (1) Whether a Plat is required under this Chapter for the tract of land; and

- (2) If a Plat is required, whether it has been prepared and whether it has been reviewed and approved by the Planning and Zoning Commission or Planning Director, as applicable.

If the Planning Director determines that a Plat is not required, a written certification of that determination shall be issued to the requesting party. If the Planning Director determines that a Plat is required and that the Plat has been prepared and has been reviewed and approved by the Planning and Zoning Commission, or Planning Director where administrative approval is authorized, the Planning Director shall issue to the requesting party a written certification of that determination.

The Planning Director shall make a determination within twenty (20) days after the date the written request is received and shall issue a written certification of that determination, within ten (10) days after the date the determination is made.

8.114.1 FILING OF APPLICATIONS

For all applications filed under this Chapter, the following shall apply:

(1) Application Filed

Pursuant to Texas Local Government Code, Chapter 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the City fair notice of the project and the nature of the permit sought. An application is considered filed on the date the applicant mails by certified mail or delivers the application to the following address:

City of Round Rock
Department of Planning and Community Development
Attn: Planning Director
301 West Bagdad, Suite 210
Round Rock, TX 78664

(2) Expiration of Application

An application shall expire forty-five (45) days after the date the application is filed if:

- (a) the applicant fails to provide the documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application;
- (b) the City provides the applicant no later than ten (10) business days after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (c) the applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) day period.

(Ordinance No. G-05-09-22-13C2 of September 22, 2005)

8.115 ENFORCEMENT, VIOLATIONS AND PENALTIES

(1) General

- (a) The Planning Director shall have the primary responsibility to enforce these regulations and to bring to the attention of the City Attorney, and any other appropriate authority, any violations or lack of compliance with these regulations. Any department, agency, employee or enforcement officer of the City having information regarding an alleged violation to this Chapter, shall report that information to the Planning Director.
- (b) No owner, or agent of the owner, of any parcel of land located in a proposed Final Plat shall transfer or sell any part of the parcel before a Final Plat is duly recorded with the County Clerk, as provided by Section 8.213, recordation procedure, of this Chapter.

(2) Violations and Penalties

It shall be unlawful for any person to fail to comply with or violate any section or subsection of this Chapter. Any person who fails to comply with or violates any of these regulations shall be subject to the penalties provided below:

(a) Within the Corporate Limits

Any person violating this Chapter shall be deemed guilty of a misdemeanor and punished by a fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) per day and each day shall constitute a separate offense.

(b) Within Extraterritorial Jurisdiction

A fine or criminal penalty prescribed by this Chapter does not apply to a violation in the ETJ. The Planning Director shall report violations to the City Manager and County Judge to determine what action is deemed proper.

(3) Civil Enforcement

The Planning Director shall report violations to the City Manager to determine what action is deemed proper, and the City Attorney is hereby authorized, without further authorization from City Council to file suit in district court, in addition to any criminal penalties to enjoin the violation of any provision of this Chapter. Appropriate actions and proceedings may be taken by the City in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described in this Section 8.115.

8.116 SUBDIVISION FEES(1) Concept Plan and Plat Fees

Concept Plans	\$500.00	plus \$25.00 per lot
Preliminary Plats	\$500.00	plus \$25.00 per lot
Final Plats & Replats	\$500.00	plus \$25.00 per lot
Minor Subdivision Final Plat	\$250.00	
Amending Plats	\$500.00	plus \$25.00 per lot*

*The \$25.00 per lot fee for Amending Plats does not apply if the requested action is only for a street name change.

(2) Notification Fees

A notification fee of \$1.00 per notified property owner for Concept Plans and Replats will be charged.

(3) Legal Review Fees

(a) A legal review fee of \$100.00 will be charged for all Concept Plan and Plat applications.

(b) A legal review fee of \$50.00 will be charged for all vacation applications.

(4) Vacation and Release Fees

Release of Easement	\$250.00
Plat Vacations	\$500.00
Building Line Vacations	\$500.00

(Ordinance No. S-05-02-10-11C8 of February 10, 2005)

(5) Geographic Information System (GIS) and Recording Fees

A GIS and recording fee of \$25.00 per lot will be charged.

(6) Parkland Fees(a) Residential

Single-family (SFR)	\$200 per acre
Single-family (SF-1)	\$1,200 per acre
Single-family (SF-2)	\$1,600 per acre
Two-family (TF)	\$2,800 per acre
Townhouse (TH)	\$3,200 per acre
Multi-family (MF)	\$4,000 per acre
Senior (SR)	\$2,000 per acre

(b) Non-Residential

\$800 per acre

(7) Oversize Fees, Reimbursement Rate and Interest Rate

- | | | |
|-----|-------------------------|---|
| (a) | Water Oversize Fee | \$150.00 per LUE |
| (b) | Wastewater Oversize Fee | \$150.00 per LUE |
| (c) | Reimbursement Rate | \$2.60 per inch
diameter per linear foot of oversized main |
| (d) | Interest Rate | Five and one quarter percent (5.25 %)
per annum |

(8) Inspection Fees

Inspection fees for Public Improvements shall be equal to one and one-half percent (1½ %) of the actual total construction costs of installing and constructing the Public Improvements being inspected. The amount of the Inspection Fees for Public Improvements shall be sealed by the Developer's Engineer and approved by the City Engineer.

(Ordinance No. S-05-09-08-10C1 of September 8, 2005)

SECTION 8.200 PLATTING PROCEDURES

8.201 APPLICATION PROCEDURE

An application for approval of a Concept Plan or a Plat shall be filed with the Planning Director by the Developer and in accordance with the Official Filing Date schedule. An application for approval of a Final Plat, Minor Subdivision Final Plat or Replat not submitted in accordance with the Official Filing Date schedule may be subject to disapproval.

(Ordinance No. G-05-09-22-13C2 of September 22, 2005)

8.202 REVIEW FOR APPLICATION COMPLETENESS

The Planning Director shall determine if the application for approval of a Concept Plan or a Plat meets all of the content requirements of this Chapter. An incomplete application will be returned to the Developer within ten (10) working days following the date of filing. The Planning Director shall notify the Developer in writing of the noted deficiencies. Upon correction of the deficiencies, the application may be resubmitted on a subsequent Official Filing Date.

(Ordinance No. G-05-09-22-13C2 of September 22, 2005)

8.203 WITHDRAWAL OF AN APPLICATION

A Developer may withdraw an application for approval of a Concept Plan or any Plat prior to the review of the respective Concept Plan or Plat by the Planning and Zoning Commission, by notifying the Planning Director in writing.

8.204 CONCEPT PLAN

(1) Purpose and Intent

The purpose of the Concept Plan is to present a layout of a proposed Subdivision or Addition. The intent of the Concept Plan is to facilitate the review of the proposed Subdivision or Addition in accordance with the General Plan policies, and, where applicable, the concurrent review by the Planning and Zoning Commission for original zoning recommendation for the proposed Subdivision. In addition, the purpose is to determine the availability of City utilities, streets and drainage.

(2) Platting of Parent Tract

In order to insure the orderly planning of roads, utilities, drainage and other public facilities, the Parent Tract must be included in a Concept Plan.

(3) Predevelopment Conference

The Developer must attend a Predevelopment Conference prior to the filing of an application for approval of a Concept Plan.

(4) Required

The Developer shall submit a Concept Plan of the proposed Subdivision or Addition prior to the submission of a Preliminary Plat application for approval by the Planning and Zoning Commission, when the proposed Subdivision or Addition contains more than five (5) acres or is located in the ETJ.

(5) Application Requirements

The Developer shall submit a Concept Plan application that contains all of the following:

- (a) The number of copies specified in the Development Packet with the title of the Concept Plan appearing on the outside and folded to a size specified in the Development Packet;
- (b) An aerial photo at the same scale as the reproducible drawing;
- (c) A location map showing the proposed Subdivision or Addition with a three hundred (300) foot line drawn around the proposed Subdivision or Addition with a key referencing the list provided in paragraph (g) below;

- (d) A plan that indicates the availability of utilities, streets and drainage to the tract or identifies the availability of extensions of utilities, streets and drainage necessary to serve the tract;
- (e) A commitment letter stating that an annexation petition will be provided upon the request by the Planning Director. Said petition shall include a metes and bounds description labeled as Exhibit "A" with an accompanying sketch of a size specified in the Development Packet and a copy of the deed showing the current owner and labeled as Exhibit "B", if applicable;
- (f) A letter from the Developer's engineer describing how the Subdivision will be served by water and wastewater and how the utilities will interface with adjacent tracts. The letter must include oversize construction and/or off-site requirements, if applicable and a general discussion on drainage. If the Subdivision is to be served by a Municipal Utility District (MUD) or other authorized utility provider, a letter certifying the availability of utilities must be provided. If the MUD is in the process of being created, the letter certifying the availability of utilities must be provided prior to the Final Plat hearing by the Planning and Zoning Commission for approval;
- (g) A listing of all property owners within three hundred feet (300') of the proposed Subdivision or Addition, with addresses as recorded by the appropriate tax appraisal district;
- (h) A Letter of Intent for Parkland Dedication form, as provided in the Development Packet;
- (i) If applicable, a City approved TIA pursuant to the requirements of Section 8.403;
- (j) If applicable, a written request to use a Tree Inventory or a Partial Tree Survey in lieu of a Tree Survey, as defined in Section 3.1103 and pursuant to the requirements of Section 3.1108 of this Code;
- (k) The Concept Plan drawing which shall include all of the information specified in the Development Packet;
- (l) An electronic copy of the Concept Plan in a format specified in the Development Packet;
- (m) All other application requirements specified in the Development Packet; and
- (n) Payment of applicable fees.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005 as amended by Ordinance No. S-05-09-08-10C1 of September 8, 2005)

(6) Notice Requirement for Concept Plan

The Planning Department will mail a notice for public hearing, to each property owner named as required by Section 8.204(5)(g) above. The notice shall state in effect that a Concept Plan is pending before the Planning and Zoning Commission, and shall include a disclaimer stating that the notice is for information purposes only and that the Planning and Zoning Commission will not take into consideration the use of the property when approving the Concept Plan. The notice for public hearing shall be mailed not less than ten (10) days prior to the date of the Planning and Zoning Commission meeting and shall provide the date, place, and time of the meeting.

(7) City Staff Review

After the City staff review and comment period, the Developer shall submit to the Planning Department the number of corrected copies of the Concept Plan specified in the Development Packet, along with one (1) reproducible drawing complete with all required information.

(8) Revisions to Approved Concept Plans

Approved Concept Plans shall be revised in conjunction with the Preliminary Plat when a minor revision to an approved Preliminary Plat is requested, as provided for in Section 8.205(6)(a). A request for a major revision to a Preliminary Plat shall trigger the submittal of a new Concept Plan in conjunction with the major revision requested and trigger notice requirements provided for in Section 8.204(6).

8.205 PRELIMINARY PLAT(1) Purpose and Intent

The purpose of the Preliminary Plat is to present a detailed layout of the proposed Subdivision in order to facilitate a review by the Planning and Zoning Commission of the proposed Subdivision's street and drainage system, easements, utilities, building lots, and other lots including parkland.

(2) Predevelopment Conference

The Developer must attend a Predevelopment Conference prior to the filing of an application for approval of a Preliminary Plat, unless waived by the Planning Director.

(3) Required

The Developer shall submit to the Planning and Zoning Commission for approval a Preliminary Plat of the Subdivision. The Preliminary Plat shall conform with the Concept Plan. If the Preliminary Plat does not conform with the approved Concept Plan, a new Concept Plan shall be submitted in conjunction with the Preliminary Plat and the notice requirements provided for in Section 8.204(7) shall be followed.

(4) Application Requirements

A Preliminary Plat application must contain the following:

- (a) The number of copies specified in the Development Packet with the title of the Preliminary Plat appearing on the outside to a size specified in the Development Packet;
- (b) A Tree Survey, or if applicable a Partial Tree Survey or Tree Inventory pursuant to the requirements in Section 3.1100 of this Code;
- (c) A plan that indicates utilities, streets and drainage together with a plan that indicates the order in which the phases or sections will be developed to ensure the orderly extension of utilities and streets;
- (d) An Engineer's Report;
- (e) A current Phase I environmental assessment as required by federal law, for the dedicated parkland, if applicable;
- (f) If applicable, a copy of the City approved TIA submitted with the Concept Plan or a revised City approved TIA pursuant to the requirements of Section 8.403;
- (g) Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically Sections 663.13 - 663.23, which include provisions requiring 1:10,000 + 0.10 feet precision for monuments found or set within the corporate limits of any city in Texas;
- (h) A Letter of Intent for Parkland Dedication form, provided in the Development Packet, if not submitted with the Concept Plan;
- (i) A letter from Williamson County 911 Addressing Division indicating street name approval;
- (j) If applicable, a Tree Replacement Plan pursuant to the requirements of Section 3.1100 of this Code;
- (k) The Preliminary Plat drawing which shall include all of the information specified in the Development Packet;
- (l) All other application requirements specified in the Development Packet; and
- (m) Payment of applicable fees.

(5) City Staff Review

After the City staff review and comment period, the Developer shall submit to the Planning Department, the number of corrected copies of the Preliminary Plat as specified in the Development Packet, along with one (1) reproducible drawing with all required information and an electronic Plat in the format described in the Development Packet. A Phase II environmental assessment may be required, if the Phase I environmental assessment indicates that a potential environmental hazard may exist.

(6) Revisions to Approved Preliminary Plats(a) Minor Revisions to Approved Preliminary Plats

The Planning Director may administratively approve minor revisions to approved Preliminary Plats. Proposed minor revisions to an approved Preliminary Plat shall trigger the submittal of a revised Concept Plan in conjunction with the Preliminary Plat. A minor revision is one that:

- (i) Changes the lot size or configuration provided that the total number of lots does not increase; or
- (ii) Changes a local street width or alignment; or
- (iii) Changes a utility or access easement.

(b) Major Revisions to Approved Preliminary Plats

The Planning and Zoning Commission may approve major revisions to approved Preliminary Plats. Proposed major revisions to an approved Preliminary Plat shall trigger the submittal of a new Concept Plan in conjunction with the major revision requested and trigger notice requirements provided for in Section 8.204(6). A major revision may include, but is not limited to the following:

- (i) An increase in the number of lots;
- (ii) A change to the collector or arterial street layout; or
- (iii) A modification of the parkland.

8.206 FINAL PLAT(1) Purpose and Intent

The purpose of the Final Plat is to allow for a review by the Planning and Zoning Commission of the proposed Subdivision's street and drainage system, easements, utilities, building lots, and other lots including parkland, and to establish an approved, legally recordable Plat of the proposed Subdivision.

(2) Corresponding Final Plat

If a Final Plat does not include the entire parcel of land included in the Preliminary Plat, the Final Plat must correspond to the phasing approved in the Preliminary Plat.

(3) Required

The Developer shall submit to the Planning and Zoning Commission for approval a Final Plat of the Subdivision in conformance with the Approved Preliminary Plat.

(4) Application Requirements

A Final Plat application must include the following:

- (a) The number of copies specified in the Development Packet with the title of the Subdivision appearing on the outside and folded to a size specified in the Development Packet;
- (b) An abstractor's certificate which shall state the names and addresses of all current owners and current lien holders of the property described in the Final Plat. The abstractor's certificate shall be dated no earlier than thirty (30) days prior to submission of the Final Plat;
- (c) A copy of the deed(s) identifying the owners of the property;
- (d) An Engineer's Report or a letter from the Developer, if applicable, certifying that no changes have been made to the Engineer's Report since its previous submittal;
- (e) A current Phase I environmental assessment as required by federal law, for the dedicated parkland, if applicable and if not provided with the Preliminary Plat;
- (f) If applicable, a copy of the City approved TIA submitted with the Preliminary Plat or a revised City approved TIA pursuant to the requirements of Section 8.403;
- (g) Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically Sections 663.13 - 663.23, which include provisions requiring 1:10,000 + 0.10 feet precision for monuments found or set within the corporate limits of any city in Texas;
- (h) The Final Plat drawing which shall include all of the information specified in the Development Packet;

- (i) An electronic copy of the Plat in a format specified in the Development Packet;
- (j) All other application requirements specified in the Development Packet;
- (k) Payment of applicable fees.

(Ordinance No. S-05-09-08-10C1 of September 8, 2005)

(5) City Staff Review

After the City staff review and comment period, the Developer shall submit to the Planning Department the number of corrected copies of the Final Plat as specified in the Development Packet, along with one (1) reproducible drawing with all required information in a format specified in the Development Packet. A Phase II environmental assessment may be required, if the Phase I environmental assessment indicates that a potential environmental hazard may exist.

(Ordinance No. S-05-09-08-10C1 of September 8, 2005)

(6) Subdivision Development Permit

- (a) Pursuant to Texas Local Government Code, Chapter 245, as amended, a Subdivision Development Permit shall be issued by the Planning Director after the recording of the Final Plat. For the purposes of this subsection, the development of each lot shall constitute a separate project. The Subdivision Development Permit authorizes the Developer to proceed with the next step in the development process of the lot(s) within the recorded Final Plat as follows:
 - (i) For lots zoned single-family residential, the next step in the development process is an application for a building permit; or
 - (ii) For lots zoned for uses other than single-family residential, the next step in the development process is an application for site plan approval.
- (b) The Subdivision Development Permit shall expire two (2) years from the date the Final Plat is recorded. Pursuant to Texas Local Government Code, Chapter 245, as amended, upon the expiration of the Subdivision Development Permit, the development project for each undeveloped lot contained within the recorded Final Plat shall be considered dormant.
- (c) After a development project has become dormant, the Developer of the dormant development project whose Subdivision Development Permit has expired may proceed with said development project provided the Developer makes an application for a building permit or site plan approval, as appropriate, but such application shall be governed by the ordinances and regulations in effect at the time of said application.

(Ordinance No. G-05-09-22-13C2 of September 22, 2005)

8.207 MINOR SUBDIVISION FINAL PLAT

(1) Purpose and Intent

The purpose of the Minor Subdivision Final Plat is to allow for a review by the Planning and Zoning Commission and to establish an approved, legally recordable Plat of the proposed Subdivision. The Minor Subdivision Final Plat is intended to expedite the platting process for qualifying Subdivisions by not requiring the submission of a Concept Plan and Preliminary Plat.

(2) Predevelopment Conference

The Developer must attend a Predevelopment Conference prior to the filing of an application for approval of a Minor Subdivision Final Plat. At the Predevelopment Conference, the Developer must meet the following criteria in order to file a Minor Subdivision Final Plat application:

- (a) The number of proposed lots does not exceed two (2);
- (b) There are no requirements for additional off-site or on-site Public Improvements;
- (c) There is no requirement for a TIA; and
- (d) At the conclusion of the Predevelopment Conference, obtain the signatures of the Planning Director, the City Engineer and the Transportation Director confirming the tract of land meets the criteria provided in (a) through (c) above on the certification form provided in the Development Packet.

(3) When Permitted

The Developer shall submit a Minor Subdivision Final Plat to the Planning and Zoning Commission for approval without the submission of a Concept Plan or a Preliminary Plat.

(4) Application Requirements

A Minor Subdivision Final Plat application must include the following:

- (a) The number of copies specified in the Development Packet with the title of the Minor Subdivision Final Plat appearing on the outside and folded to a size specified in the Development Packet;
- (b) An abstractor's certificate which shall state the names and addresses of all current owners and current lien holders of the property described in the Minor Subdivision Final Plat. The abstractor's certificate shall be dated no earlier than thirty (30) days prior to submission of the Minor Subdivision Final Plat;

- (c) A copy of the deed(s) identifying the owners of the property;
- (d) A current Phase I environmental assessment as required by federal law, for the dedicated parkland, if applicable;
- (e) Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically Sections 663.13 - 663.23, which include provisions requiring 1:10,000 + 0.10 feet precision for monuments found or set within the corporate limits of any city in Texas;
- (f) The certification form signed by the Planning Director, the City Engineer and the Transportation Director confirming the tract of land qualifies as a Minor Subdivision Final Plat;
- (g) The Minor Subdivision Final Plat drawing which shall include all the information specified in the Development Packet;
- (h) An electronic copy of the Plat in a format specified in the Development Packet;
- (i) All other application requirements specified in the Development Packet; and
- (j) Payment of applicable fees.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005 as amended by Ordinance No. S-05-09-08-10C1 of September 8, 2005)

(5) City Staff Review

After the City staff review and comment period, the Developer shall submit to the Planning Department the number of corrected copies of the Minor Subdivision Final Plat as specified in the Development Packet along with one (1) reproducible drawing with all required information in a format specified in the Development Packet. A Phase II environmental assessment may be required, if the Phase I environmental assessment indicates that a potential environmental hazard may exist.

(Ordinance No. S-05-09-08-10C1 of September 8, 2005)

8.208 REPLAT(1) Purpose and Intent

The purpose of a Replat is to resubdivide all or part of a Recorded Plat, without the vacation of the preceding Plat, and to allow for a review by the Planning and Zoning Commission.

(2) Predevelopment Conference

The Developer must attend a Predevelopment Conference prior to the filing of an application for approval of a Replat.

(3) When Permitted

The Developer shall submit to the Planning and Zoning Commission for approval a Replat, in compliance with the Texas Local Government Code as amended.

(4) Application Requirements

A Replat application must include the following:

- (a) The number of copies specified in the Development Packet with the title of the Replat appearing on the outside and folded to a size specified in the Development Packet;
- (b) An abstractor's certificate which shall state the names and addresses of any and all current owners and current lien holders of the property described in the Replat. The abstractor's certificate shall be dated no earlier than thirty (30) days prior to submission of the Replat;
- (c) A copy of the deed(s) identifying the owners of the property;
- (d) An Engineer's Report;
- (e) If applicable, a City approved TIA for the proposed Replat pursuant to the requirements of Section 8.403;
- (f) Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically Sections 663.13 - 663.23, which include provisions requiring 1:10,000 + 0.10 feet precision for monuments found or set within the corporate limits of any city in Texas;
- (g) A list of names and addresses of the owners of property that are in the original Subdivision and that are located within three hundred feet (300') of the property contained in the Replat as recorded on the current tax roll including:

- (i) A diagram that identifies said properties and a key to the list provided; and
- (ii) Addressed official City envelopes for the adjacent property owners identified for delivery in regular mail;
- (h) The Replat drawing which shall include all of the information specified in the Development Packet;
- (i) An electronic copy of the Plat in a format specified in the Development Packet;
- (j) All other application requirements specified in the Development Packet; and
- (k) Payment of applicable fees.

(Ordinance No. S-05-09-08-10C1 of September 8, 2005)

(5) Notice Requirement for Replats

Notice of a Replat public hearing shall be given, not less than fifteen (15) days before the date set for the hearing, by publication and by written notice forwarded by the Planning Director to the owners of property lying outside of the Replat boundaries and within 300 feet of those boundaries as indicated on the most recently approved municipal tax roll; or in the case of a Subdivision within the ETJ regulated by the City, the most recently approved County tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the municipal boundaries.

(6) City Staff Review

After the City staff review and comment period, the Developer shall submit to the Planning Department the number of corrected copies specified in the Development Packet along with one (1) reproducible drawing with all required information in a format specified in the Development Packet.

(Ordinance No. S-05-09-08-10C1 of September 8, 2005)

8.209 AMENDING PLAT

(1) Purpose and Intent

The purpose of an Amending Plat is to replace a Recorded Plat without vacation of that Plat, and to allow for a review by the Planning and Zoning Commission. The Amending Plat is intended to be used as a limited means to correct minor errors or make minor adjustments to a Recorded Plat as provided in the Texas Local Government Code, Section 212.016, as amended.

(2) Predevelopment Conference

The Developer must attend a Predevelopment Conference prior to the filing of an application for approval of an Amending Plat.

(3) When Permitted

The Developer shall submit to the Planning and Zoning Commission for approval an Amending Plat application in lieu of a Preliminary and Final Plat when the proposed Amending Plat is filed for one or more of the purposes listed in the Texas Local Government Code, Section 212.016, as amended.

(4) Application Requirements

An Amending Plat application must include the following:

- (a) The number of copies specified in the Development Packet with the title of the Amending Plat appearing on the outside and folded to a size specified in the Development Packet;
- (b) An abstractor's certificate which shall state the names and addresses of all current owners and current lien holders of the property described in the Amending Plat. The abstractor's certificate shall be dated no earlier than thirty (30) days prior to submission of the Amending Plat;
- (c) A copy of the deed(s) identifying the owners of the property;
- (d) An Engineer's Report if applicable. The City Engineer may waive the requirement for an Engineer's Report when lots are being consolidated under a single owner or when lot lines are being adjusted and no alterations or expansions to the existing public improvements are necessary;
- (e) Certification from a surveyor that the property boundary closes as per minimum standards set forth by the Texas Board of Professional Land Surveying Code, as amended, specifically Sections 663.13 - 663.23, which include provisions requiring 1:10,000 + 0.10 feet precision for monuments found or set within the corporate limits of any city in Texas;
- (f) The Amending Plat drawing which shall include all of the information specified in the Development Packet;
- (g) An electronic copy of the Plat in a format specified in the Development Packet;
- (h) All other application requirements specified in the Development Packet; and
- (i) Payment of applicable fees.

(Ordinance No. S-05-09-08-10C1 of September 8, 2005)

(5) City Staff Review

After the City staff review and comment period, the Developer shall submit to the Planning Department the number of corrected copies specified in the Development Packet along with one (1) reproducible drawing with all required information in a format described in the Development Packet.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005)

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8.210 PLAT VACATION

(1) Purpose and Intent

The purpose of a Plat Vacation is to nullify all or part of a previously Recorded Plat.

(2) When Permitted

The Developer shall submit to the Planning and Zoning Commission for approval a Plat Vacation as permitted under and in compliance with Section 212.013 of the Texas Local Government Code, as amended:

(a) No Lots Sold

The owner or owners of the land covered by a Plat may vacate the Plat at any time before any lot in the Plat is sold. After approval by the Planning and Zoning Commission, the Plat is vacated when a signed, acknowledged instrument declaring the Plat vacated is recorded in the manner prescribed for the original Plat.

(b) Lots Sold

If one or more lots in the Plat have been sold, the Plat, or any part of the Plat, may be vacated on the application of all the owners of lots in the Plat with approval obtained in the manner prescribed for the original Plat. After approval by the Planning and Zoning Commission, the Plat is vacated when all owners record a signed, acknowledged instrument declaring the Plat vacated.

(3) Application Requirements

A Plat Vacation application must include all of the following:

- (a) A letter from the Developer explaining the reason for the vacation;
- (b) An abstractor's certificate which shall state the names and addresses of all current owners and lien holders of the property described in the vacating Plat. The abstractor's certificate shall be dated no earlier than thirty (30) days prior to the submission of the Plat Vacation application;
- (c) A copy of the deed(s) identifying the owners of the property;
- (d) A completed, signed and acknowledged Plat Vacation instrument including the signature of the City Engineer if public rights-of-way or easements are being vacated and the signatures of any additional entities authorized to use the easement;
- (e) The Plat Vacation application shall include all of the information specified in the Development Packet; and

- (f) Payment of applicable fees.

8.211 RELEASE OF EASEMENT

(1) Purpose and Intent

The purpose of a release of easement is to nullify a portion or the entire easement established by a previously Recorded Plat or by separate instrument. A release of easement may be initiated by the respective lot owner(s) or by the City.

(2) When Permitted

The Developer shall submit a release of easement application containing a metes-and-bounds description and sketch of the proposed area to be released and signed by the owner of the land requesting the City to vacate the easement, in order to release all or a portion of an easement, including but not limited to a public utility easement, drainage easement, conservation easement, public access easement or combination public easement.

After approval by the City Manager, the easement shall be released when all owners and entities authorized to use the easement sign and acknowledge a release form, approval is granted by the City Manager and the release of easement instrument declaring the easement released is recorded.

(3) Application Requirements

A release of easement application must include the following:

- (a) A copy of the deed(s) identifying the owners of the property;
- (b) A letter signed by the owners of the lot to the Planning Director containing the following:
 - (i) A metes and bounds description and survey sketch including a description of the easement or portion of the easement to be released including the lot description and orientation to the nearest lot line;
 - (ii) An explanation of the purpose of the release request; and
 - (iii) Signatures by the entities authorized to use the easement agreeing to the requested release of easement, in the format provided in the Development Packet;
- (c) Payment of applicable fees.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005)

8.212 APPROVAL PROCEDURE(1) Distribution and Review

The Planning Director shall distribute a copy of each application to the reviewing agencies and the reviewing agencies shall review the application in accordance with the Texas Local Government Code and this Chapter. The Planning Director shall prepare a report for each application and shall distribute the report to the Planning and Zoning Commission, except for those applications approved administratively.

(2) Director Approval

After a review by the reviewing agencies, the Planning Director may approve easement vacations. Upon a determination by the Planning Director that all of the public utilities authorized to use the easement proposed for vacation approve of the vacation request, the Planning Director shall then approve the respective easement vacation.

(3) Planning and Zoning Commission Action

The Planning and Zoning Commission shall review the reports of the Planning Director and shall either approve, approve with minor conditions, or disapprove Concept Plans or Plats within thirty (30) days after the filing of a completed application. The Planning and Zoning Commission may approve a written request submitted by the Developer to table a Concept Plan or Plat application to a specific future Planning and Zoning Commission meeting when it is requested on a form provided by the City where the Developer waives its right to having the Plat acted upon within the required thirty (30) days as set forth in the Local Government Code, Section 212.009(a). The Planning and Zoning Commission may not table action on a Plat without the consent of the Developer and a waiver of rights.

(4) Notification of Action Taken for Plats

Within ten (10) working days after action taken by the Planning and Zoning Commission, the Planning Director shall issue to the Developer a certificate as required by Section 212.0115 of the Texas Local Government Code stating that the Plat has been reviewed and approved by the Planning and Zoning Commission.

(5) Expiration of Concept Plans and Plats(a) Concept Plan Approval

The approval of a Concept Plan shall expire three (3) years from the date of application approval.

(b) Preliminary Plat Approval

The approval of a Preliminary Plat shall expire three (3) years from the date of approval unless a Final Plat for a portion of the Preliminary Plat has been approved and recorded, in which case, the Preliminary Plat is extended three additional years from the date each additional Final Plat is recorded.

(c) Final Plat, Replat, and Amending Plat Approval

The approval of a Final Plat, Replat and Amending Plat shall expire two (2) years from the date of approval if the respective Plat has not been recorded. The Developer may request an administrative extension of three (3) years prior to the two (2) year expiration date where the City has accepted the Subdivision Improvement Construction Plans as provided for in Section 8.702(1).

8.213 RECORDATION PROCEDURE

(1) In order for the approved Plat to be recorded, the Developer must submit the following to the Planning Director:

- (a) An abstractor's certificate which shall state the names and addresses of all current owners and current lien holders of the property described in the Plat. The abstractor's certificate shall be dated no earlier than thirty (30) days prior to a request for recordation of the Plat;
- (b) An acknowledged signature on the Plat by the current owner of the land being platted if the current owner is different than the owner at the time the Final Plat was approved;
- (c) A title insurance policy, naming the City as the holder covering the parkland to be conveyed;
- (d) A deed for any parkland dedication or cash contribution in lieu of parkland dedication, if applicable. If the Final Plat is a phase of the total tract to be platted and it does not include the parkland to be dedicated, the Developer must provide a temporary access easement to the parkland acceptable to the City in a form approved by the City Attorney;
- (e) A deed for drainage, right-of-way and/or detention lots to be dedicated to the City or a homeowners association as applicable;
- (f) Current original tax certificates;
- (g) Williamson County affidavit certifying tax certificates in the form designated in the Development Packet, where applicable;

- (h) The prescribed fees for preparing reproducible drawings required to record the Plat;
- (i) A copy of the written notification from the Forestry Manager notifying that the requirements of Section 3.1100 of this Code have been met and if applicable, the posting of the appropriate fiscal security in accordance with Section 3.1111 of this Code;
- (j) A copy of the letter from the City Engineer either certifying that the Public Improvements have been satisfactorily completed in accordance with Section 8.705 or that Subdivision Improvement Construction Plans have been accepted by the City Engineer and the appropriate fiscal security has been posted in accordance with Section 8.704;
- (k) The prescribed oversize fees for water and wastewater for all single family residential and two family residential lots;
- (l) The prescribed County recordation fees (by check made payable to "Williamson County" or "Travis County," whichever is applicable);
- (m) Separate instrument easements where applicable;
- (n) Regional stormwater detention fees, in lieu of on-site detention, where approved by the City Engineer.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005)

- (2) The Planning Director shall obtain the required City signatures on each reproducible copy of the Plat. After all signatures required for recordation have been affixed to the Plat, the Planning Director shall present the prescribed County recording fee and the Plat to the Office of the County Clerk for recording.
- (3) The official copy of the Recorded Plat shall be maintained at the Office of the County Clerk. A copy of the Recorded Plat shall be maintained in the files of the Planning Department.
- (4) Upon recordation of the Plat, the Planning Director shall distribute the copies of the Plat to the City, County and other appropriate public and private entities listed in the Development Packet.

8.214 FILING FEES

Fees shall be charged for all Concept Plans, Plats, or vacation applications. The fees and charges shall be paid upon the submittal of an application and the application shall not be considered complete until such fee has been paid.

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SECTION 8.300 PARKLAND REQUIREMENT**8.301 PARKLAND POLICY AND PURPOSE**

This Section is enacted in accordance with the home rule powers of the City, granted under the Texas Constitution, and the statutes of the State of Texas. It is hereby declared by the City Council that open space and recreational areas in the form of parks are necessary for the health, safety and welfare of the public. It is hereby further declared by the City Council that a parkland fee in lieu of parkland dedication for residential and non-residential development is necessary to further the pursuit of obtaining open space and recreational areas.

The primary purpose of the parkland requirements is to insure that the need for parkland that arises from new development is at least partially satisfied by the Developer of the new development, so that those who generate the need contribute their proportionate share. Accordingly, when new development occurs, a reasonable contribution is to be made for open space for those who live or work in the new development so that they may engage in active and passive recreational activities within or near the new development. In some instances, the need for parks resulting from new development may be addressed most effectively through the development and acquisition of community or regional parks serving several neighborhoods.

It shall be required that a Developer of any residential Subdivision or Addition set aside and convey to the public sufficient and suitable lands within the Subdivision or Addition for the purpose of parkland or contribute cash in lieu of land conveyance or combination thereof as determined by the Planning and Zoning Commission upon the recommendation of the Parks Director.

The requirements for the conveyance of parkland established by this Section are based in part on the goals and recommendations, needs and standards set forth in the General Plan adopted by the City Council. The General Plan describes the needs prioritization and implementation plan, standards for parks and recreation units, planning and land acquisitions methods, as well as goals and objectives.

8.302 PARKLAND REQUIREMENT**(1) Residential**

The Developer of a residential Subdivision or Addition shall provide for the parkland needs of the community by conveyance of suitable land in accordance with Section 8.303. For purposes of this Section, a residential Subdivision shall include single-family, two-family, townhouse, multi-family and senior development. To meet the parkland requirements, the City may allow a Developer of a residential Subdivision or Addition to convey off-site land, contribute cash in lieu of parkland pursuant to Section 8.308 or any combination thereof.

(2) Non-Residential Parkland Fee

In order to provide for the open space needs of the community, the Developer of a non-residential Subdivision will be assessed a parkland fee of eight hundred dollars (\$800.00) per acre, with a minimum of eight hundred dollars (\$800.00) payable in accordance with Section 8.308(3). The parkland fee may be reduced or waived by the Parks Director should the Developer choose to dedicate parkland at the time of platting.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005)

(3) City Purchase of Parkland

In order for the City to achieve the goals of the General Plan, the City may need to purchase land that exceeds standard dedication requirements from the Developer for parkland. The City may enter into an agreement with the Developer to purchase the property from the Developer. If the City and Developer cannot agree on the terms of said agreement, the City may choose to prohibit any construction on the proposed parkland for a period not to exceed one hundred and twenty (120) days from the date of approval of the Preliminary Plat, during which time the City shall use reasonable and diligent efforts to acquire the necessary funds or financing to purchase the parkland. The foregoing provision shall not be construed as a limitation of the City's authority to acquire land by eminent domain.

8.303 PARKLAND CALCULATION FOR RESIDENTIAL DEVELOPMENT

- (a) The Developer of a residential Subdivision or Addition is required to convey the amount of land equivalent to the following percentages of the total acreage of the Subdivision excluding any lots zoned for non-residential use:

Single-family (SFR)	One percent (1%)
Single-family (SF-1)	Six percent (6%)
Single-family (SF-2)	Eight percent (8%)
Manufactured Housing (MH)	Eight percent (8%)
Two-family (TF)	Fourteen percent (14%)
Townhouse (TH)	Sixteen percent (16%)
Multi-family (MF)	Twenty percent (20%)
Senior (SR)	Ten percent (10%)

- (b) The Developer of a residential Subdivision or Addition will be allowed up to fifty percent (50%) credit toward fulfilling the requirements of Section 8.303(a) for land designated as privately owned and maintained park and recreational facilities that are for use by the residents of the Subdivision or Addition.

8.304 REVIEW BY PARKS DIRECTOR

As part of the Plat review process, the Parks Director shall make recommendations based upon requirements of this Section to the Planning Department at the appropriate time within the Plat review process. Recommendations received shall be noted on the written report for the Plat prepared by the Planning Director.

8.305 STANDARDS FOR PARKLAND DEDICATION

(1) General Standards

Parkland conveyed to the City as provided in this Section shall meet each of the standards set forth below:

- (a) The General Plan shall be used as a guide for location of park sites;
- (b) The parkland shall have frontage on a street equal to or greater than the square root of the total square footage of park area to be conveyed (for example, a 435,600 square foot park area, which is the equivalent of a 10 acre park area would require 660 linear feet of frontage);
- (c) Unless otherwise approved by the Parks Director, parkland which is a part of the Citywide Trails Master Plan shall be designed and located within a Subdivision or Addition to allow for an extension or connection of a public park or public recreational facility within an abutting Subdivision;

- (d) A minimum of fifty percent (50%) of the dedicated parkland within a Subdivision or Addition shall be outside of the 100-Year floodplain and shall have a size, configuration and topography to be developable for active park purposes, unless identified in the General Plan as a regional trail or a community/regional park;
- (e) Parkland shall not be encumbered with existing or proposed public utility easements or drainage channels that would unduly restrict the development of the site for recreational purposes except as provided in Section 8.305(2); and
- (f) Property identified with environmental hazards that limit its use as a public park as indicated by a Phase I or Phase II environmental assessment, as provided for in Sections 8.205, 8.206 and 8.207 shall not qualify as lands eligible for parkland dedication.

(2) Dual Park and Stormwater Drainage Facility

The parkland may be designed and constructed to allow for dual recreational and stormwater drainage purposes. Approval must be obtained from both the Parks Director and City Engineer for the location and design of the dual park and stormwater drainage facility. Areas designated for dual use purposes shall not exceed fifty percent (50%) of the parkland dedication requirement per Section 8.303, unless otherwise approved by the Parks Director and the City Engineer.

(3) Improvements Required

Parkland conveyed to the City shall be improved as required by this Section. The Developer shall indicate the proposed parkland improvement(s) within the Construction Plans as required in Section 8.700. Construction of the required parkland improvement(s) shall be in accordance with the accepted Construction Plans, and shall be completed by the Developer within the time period specified for construction of Public Improvements in this Chapter. An improved park shall, at a minimum, include the following:

- (a) Paved frontage, curbs and gutters for all required street frontages abutting the outside perimeter of the parkland;
- (b) A sidewalk or trail installed in the park, and/or a sidewalk installed along the street frontage of the park with the location approved according to the Construction Plans;
- (c) Water, wastewater, electrical services and all other utilities provided to the remainder of the Subdivision or Addition shall be provided to the park as part of standard Subdivision improvements; and
- (d) The grading of site and installation of grass with irrigation. Irrigation may cease when the grass becomes fully established.

8.306 ON-SITE CONVEYANCE OF PARKLAND(1) Parkland shown on Preliminary and Final Plats

Parkland to be conveyed shall be designated as a lot on both the Preliminary and Final Plats as “Parkland Dedicated to the City of Round Rock” with the acreage of the parkland also shown. In addition, a note referencing the dedication of the parkland shall be placed on the Final Plat.

(2) Title Insurance Policy Required

Prior to recording the Final Plat, the Developer shall deliver to the Planning Department a title insurance policy with the City as the holder and covering the parkland being conveyed.

(3) Deed Required

Prior to recording the Final Plat, the Developer shall deliver to the Planning Department the deed, in a form approved by the City Attorney, conveying parkland shown on the Final Plat as approved by the Planning and Zoning Commission. The parkland deeded to the City shall not be subject to reservations of record, encumbrances or easements that will interfere with the use of the land for park purposes. The deed delivered to the Planning Department shall be recorded in conjunction with the recordation of the Final Plat.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005)

8.307 OFF-SITE CONVEYANCE OF PARKLAND(1) Approvals Required

Upon affirmative recommendations from the Parks Director and approval from the Planning and Zoning Commission, the City may accept parkland that is not part of an Addition or Subdivision in order to meet the parkland requirement.

(2) Deed Required

A deed shall be required in accordance with the provisions of Section 8.306(2) above.

8.308 PARKLAND FEE IN LIEU OF PARKLAND CONVEYANCE(1) When Applicable

The City may at its option require a parkland fee for all or part of the required parkland conveyance under the following circumstances:

- (a) When less than three (3) acres is required to be conveyed;

- (b) Where the proposed parkland does not meet the standards set forth in Section 8.305; or
- (c) When a Replat or Amending Plat is submitted subsequent to a rezoning to a higher density classification.

(2) Parkland Fee for Residential Additions and Subdivisions

Where applicable, the Developer shall pay a parkland fee as adopted by City Council.

(3) Form Tendered

The parkland fee shall be tendered in the form of a cashier's check or other form of payment acceptable by the City, payable to the City of Round Rock Parks Improvement and Acquisition Fund. The cashier's check or other form of payment acceptable by the City shall be submitted to the Planning Director and shall accompany the request for Plat recordation.

(4) Refunds

No refund of a parkland fee received in lieu of parkland conveyance required by this Section shall be made except as provided in Section 8.309.

8.309 PARKS IMPROVEMENT AND ACQUISITION FUND

(1) Parkland Fee

Parkland fees shall be deposited into the Parks Improvement and Acquisition Fund. The City shall account for all parkland fees with reference to the individual Additions or Subdivisions involved, and all sums received shall be spent or committed by the City within ten (10) years from the recordation of the Plat. For purposes of this Section, parkland fees shall be considered committed when:

- (a) Parkland fees are committed under an earnest money agreement for the purchase of parkland;
- (b) Parkland fees are committed for a park improvement project;
- (c) Parkland fees are committed in a grant application; or
- (d) Parkland fees encumbered are not expended because of delays by reason of strikes, court action or any similar impediment which renders it impossible or illegal to spend the money.

(2) Use of Parkland Fees

- (a) Parkland fees may be used for acquisition and/or development of public parkland or other recreational facilities. Where fees are received in lieu of parkland conveyance in Additions or Subdivisions, the parkland fees collected shall be expended on a neighborhood park within the Park Zone in which the Addition or Subdivision is located or the Park Zones surrounding it, for a total maximum area consisting of nine (9) Park Zones. In the event that there is not a suitable neighborhood park location within the aforesaid Park Zones, then the parkland fees collected shall be expended on the closest community park.
- (b) If parkland fees are not spent or committed within the required ten (10) year time period commencing from the final acceptance of Subdivision improvements, the record owner shall be entitled to a refund.

(3) Accountability

The City shall maintain a record of parkland fees and expenditures, including:

- (a) The Developer's name and address;
- (b) The date monies were received;
- (c) The total amount of parkland fees received;
- (d) The Addition or Subdivision generating the fees;
- (e) The Addition, Subdivision or Park Zone where monies are to be spent;
- (f) The expiration date for monies to be committed;
- (g) The balance after expenditure(s);
- (h) A statement of expenditure(s); and
- (i) The parkland description where monies are spent.

SECTION 8.400 IMPROVEMENT STANDARDS AND DESIGN PRINCIPLES**8.401 GENERAL DESIGN PRINCIPLES**

The arrangement of lots and blocks and the street system shall be designed to make the most advantageous use of topography and natural, environmental and physical features.

8.402 DESIGN AND CONSTRUCTION STANDARDS

The Design and Construction Standards are adopted by ordinance by the City Council. All Public Improvements required by this Chapter shall be constructed and installed in accordance with the Design and Construction Standards to meet or exceed such standards. A Subdivision or Addition, or any portion thereof, which is within a floodplain as identified in the Flood Insurance Rate Maps, published by the National Flood Insurance Program, shall meet any Federal Emergency Management Agency (FEMA) requirements for stormwater drainage facilities. To the extent that there is any conflict between any of the minimum standards provided in the Design and Construction Standards or the FEMA requirements, whichever imposes the more stringent restrictions shall prevail. Whenever any standards in the Design and Construction Standards are in conflict with the provisions of this Chapter, the provisions of this Chapter shall govern.

8.403 TRAFFIC IMPACT ANALYSIS

(1) General Principles

- (a) A TIA shall be submitted with a Concept Plan, Preliminary Plat, Final Plat or Replat when the Subdivision or Addition will generate one hundred (100) or more vehicle trips, inbound or outbound, during the peak hour. The analysis shall be performed for the most intense use permitted in the existing or proposed zoning district.
- (b) The TIA shall be prepared in accordance with the *Recommended Guidelines for Traffic Impact Studies* as issued by the Institute of Transportation of Engineers, a copy of which is maintained by the Transportation Director.
- (c) The Final Plat or Replat shall be prepared in conformance with the TIA and the General Plan.

(2) Approved TIA

The Developer must have a City approved TIA prior to the approval of the Final Plat, if required.

(3) TIA Requirements

The TIA shall be prepared in accordance with the criteria checklist provided by the Transportation Services Department.

(4) Off-Site Improvements

If off-site improvements are required in the TIA, the improvements shall be installed and constructed in accordance with Section 8.702(1).

(5) Signage and Striping

If off-site signage and/or striping are required in the TIA, the signage and/or striping shall conform with the requirements provided in Section 8.411(1).

(6) Signalization

If off-site signalization is required in the TIA, the signalization shall with the requirements provided in Section 8.411(2).

(7) Preliminary Plat, Final Plat and Replat TIA

The TIA submitted with a Preliminary Plat, Final Plat or a Replat shall include any revisions to the TIA required for changes in the proposed development of the Plat since the submission of the last TIA.

8.404 STREETS(1) General Policy

- (a) All streets shall be planned to properly integrate with the existing and proposed system of local, collector and arterial streets.
- (b) Local streets shall be designed to conform to existing topography, to discourage use by through traffic, to permit efficient drainage and utility installation, and provide safe access to property.
- (c) Streets shall be provided to the boundary lines of the tract being subdivided, unless the Transportation Director determines that such an extension is neither necessary nor desirable.
- (d) All Plats shall provide for the appropriate extension of existing and proposed streets in accordance with Section 8.404(6).
- (e) Streets shall be designed to accommodate anticipated traffic generators such as schools, businesses, shopping centers and population densities.
- (f) The location of arterial streets shall conform to the General Plan.
- (g) Curbing shall be required for the purpose of drainage, safety and delineation and protection of the pavement edge. Curbing shall be designed so as not to interfere with the movement of pedestrian traffic.
- (h) Except as provided in Section 8.405, sidewalks shall be required on both sides of all streets.
- (i) Streets and improvements associated with streets shall be in accordance with the Design and Construction Standards.

(2) Street Classification and Characteristics

(a) Local Streets

The purpose of a local street is to provide lot street frontage and carry traffic to a higher classification street. Because of its limited purpose, a local street generally carries an Average Daily Traffic volume no greater than 2000 vehicle trips. Local streets are divided into three subcategories: local-residential, local-non-residential or local-rural. Unless approved by the Transportation Director, a local street shall not connect to two separate higher classification streets or connect directly to arterial streets.

(b) Collector Streets

Collector streets are divided into two subcategories: local and major. The purpose of collector streets is to convey traffic from intersecting local streets and to expedite the movement of traffic to an arterial street or other collector street. A local collector street generally carries an Average Daily Traffic volume of two thousand (2000) to six thousand (6000) vehicle trips. A major collector street generally carries an Average Daily Traffic greater than six thousand (6000) vehicle trips. Generally, major collector streets shall not permit on-street parking.

(c) Arterial Streets

The purpose of an arterial street is to carry high volumes of through traffic. Arterial streets serve as a link between major activity centers within the urban area. Access is usually limited to intersections, multi-family developments and commercial driveways. All arterial streets are designated in the General Plan. An arterial street shall not end as a cul-de-sac. Generally, arterial streets shall not permit on-street parking.

(3) New Streets

(a) Right-of-Way

A Developer shall dedicate or convey at the City's option the amount of right-of-way for each type of street as stated in the Design and Construction Standards. Except as provided below, the Developer must dedicate or convey the required right-of-way for all streets within the Subdivision as shown on the Plat. The City may reduce the amount of right-of-way dedication for an arterial street based on the design consideration, existing land uses, existing development of adjoining properties, and dimensions of the proposed Addition or Subdivision. In all cases, the amount of right-of-way dedicated for any one street within the Addition or Subdivision shall not exceed one hundred and twenty feet (120') wide or fifteen percent (15%) of the total acreage on the Plat submitted.

(b) Street Improvements

All streets shall be designed and built in accordance with the Design and Construction Standards. The Developer must construct the full cross-section of the arterial streets designated on the General Plan which are located within the Subdivision unless the TIA for the Addition or Subdivision documents a need for a lesser cross-section. In such a case, the Developer shall construct the cross section required by the TIA.

(4) Private Streets

Private streets are prohibited.

(5) Substandard Existing Street Right-Of-Way

Whenever a proposed Subdivision abuts an existing street that has a substandard right-of-way width for either the existing street or for a future street, the Developer shall dedicate the additional right-of-way for the existing street or future street. The Developer shall dedicate half ($\frac{1}{2}$) of the amount required for the type of street to be upgraded measured from the existing centerline of the right-of-way or up to fifteen percent (15%) of the total acreage of the Addition or Subdivision, whichever is less. The City may reduce the amount of right-of-way dedication requirement based on design consideration, existing land uses, existing development of adjacent properties, and dimensions of the proposed Addition or Subdivision.

(6) Stub Streets

(a) A proposed Subdivision or Addition must provide access to adjacent land subdivided by stubbing appropriate streets to the boundaries of the proposed Addition or Subdivision. When the abutting land is platted, the Developer shall integrate the stubbed streets into the existing traffic system of streets in a logical manner as well as continue the same street classification of the stub street. The Developer shall present a schematic plan to demonstrate how the stub street will eventually extend through the adjacent property and connect with a collector or arterial roadway.

(b) Temporary paved turnarounds shall be provided at the end of stubbed streets which are more than two hundred fifty feet (250') long.

(7) Cul-de-sacs

(a) Local streets may terminate in a cul-de-sac. Collectors and arterial streets may not terminate in a cul-de-sac.

(b) Except as provided herein, the maximum length of a cul-de-sac street shall be seven hundred fifty feet (750'), measured from the centerline of the nearest intersecting outlet street to the centerpoint of the turnaround; except that a longer length may be allowed upon a recommendation by the Fire Department and if the Planning and Zoning Commission determines any of the following:

- (i) That no secondary access can be reasonably provided to the portion of the Subdivision which is to be served by the cul-de-sac;
- (ii) That limited access to the Subdivision is due to a topographical condition on the property or a particular physical surrounding; or
- (iii) That the cul-de-sac is temporary and the road is planned to extend to the adjacent property.

(8) Curbing

All streets shall have standard curbing and gutter except for the local-rural street classification where ribbon curb is allowed. All raised medians and islands located within the street pavement shall be bordered by standard curb and gutter, unless otherwise approved by the Transportation Director. All concrete curb and gutter shall be installed and constructed according to the Design and Construction Standards.

(9) Curb Ramps

- (a) Curb ramps are required within a street right-of-way wherever a sidewalk or pedestrian route intersects with a curb. The design and construction of curb ramps shall be in accordance with the Design and Construction Standards, and shall meet the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and the Americans with Disabilities Act of 1990, as amended.
- (b) Whenever a sidewalk or pedestrian route crosses a raised median, the raised median shall be cut through level with the street, or shall have curb ramps at both median curbs plus a level area at least four feet (4') long between the curb ramps in the median.

(10) Access

- (a) Except as provided below, a lot shall be provided with public access to an existing or proposed public street.
- (b) A lot without public access to a public street shall have an alternate public access to a public street through an approved planned unit development zoning district only for non-residential uses, which shall include provisions for such alternate public access, as provided for in Chapter 11.

(Ordinance No. S-06-06-22-9C2 of June 22, 2006)

8.405 SIDEWALKS(1) ADA Requirement

All sidewalks must be designed and constructed to meet the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and the Americans with Disabilities Act of 1990, as amended.

(2) Design

Unless excepted in this Section 8.405, sidewalks for all street classifications shall be installed on both sides of the street right-of-way or within a sidewalk easement. A sidewalk shall be allowed to meander within the right-of-way or an easement upon approval of the City Engineer. Sidewalks are required along one side of a local rural street pursuant to Section 8.421. Sidewalks are required along street frontage of parks pursuant to Section 8.305(3)(b). Sidewalks shall not intersect at driveway wings unless otherwise approved by the City Engineer.

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(3) Exceptions

Sidewalks shall be required on all streets, except on streets where pedestrian access is provided within the approved Subdivision through an alternative sidewalk design as approved by the City Engineer.

(4) Size

(a) Local residential, local rural and local collector streets: A sidewalk along a local residential, local rural or local collector street be a minimum of four feet (4') in width when separated by a distance of at least three feet from the roadway curb. Sidewalks closer than three feet (3') to the roadway curb shall be a minimum of five feet (5') in width. Where ribbon curb is installed on local rural streets, the sidewalk shall be at least eight feet (8') from the ribbon curb unless otherwise approved by the City Engineer.

(b) Local non-residential, major collector and arterial streets: A sidewalk along a local non-residential, major collector or arterial street must be a minimum of four feet (4') in width and a minimum eight feet (8') from the curb.

(5) Construction

The sidewalk construction specifications shall be in accordance with the Design and Construction Standards. Sidewalks shall be installed as shown on the Construction Plans and in accordance with Section 8.702(3) unless construction is deferred in accordance with Section 8.702(3)(c).

8.406 MEDIANS AND ISLANDS(1) Standards

Medians and islands shall be landscaped with grass turf or constructed of stamped pattern concrete, brick, stone or concrete pavers, or other engraved concrete surfaces approved by City Engineer. Grass turf areas shall not be less than six feet (6') in width. All medians and islands shall be bordered by standard curb and gutter, unless otherwise approved by the Transportation Director.

(2) Median Openings

Median openings on arterial streets shall be in accordance with the Design and Construction Standards.

8.407 INTERSECTIONS

Proposed intersections shall be designed to meet the minimum spacing requirements, curb radii, and corner sight distances required in the Design and Construction Standards, and based on the following design specifications:

- (1) Streets shall intersect at right angles. In the event of physical constraints that prevent right angles, a modification of up to twenty degrees (20) may be permitted by the Planning and Zoning Commission upon recommendation by the Transportation Director.
- (2) The right-of-way line at street intersections shall be in accordance with the Design and Construction Standards.
- (3) The centerline of intersecting streets shall be a minimum of two hundred feet (200') from other street intersections. This offset shall not apply to streets intersecting a street if a raised median is provided and no median opening is aligned with either of the offset streets. Future median openings shall not be permitted where two (2) streets offset and intersect an arterial street at a distance of less than two hundred feet (200'); provided, however, median openings may be allowed for one-way traffic circulation subject to the approval of the Transportation Director.

8.408 ACCELERATION/DECELERATION LANES

- (1) Acceleration/deceleration lanes shall be provided along existing and proposed arterial streets when required by the findings of a City approved TIA.
- (2) Additional right-of-way shall be dedicated by Plat if required to accommodate acceleration/deceleration lanes or turning lanes.

8.409 DRIVEWAYS

- (1) Single-family, two-family and Single-Unit Townhouse, as defined in Chapter 11 of this Code, residential driveways are permitted on local streets and local collector streets only. Residential driveways for double frontage lots and corner lots must be located on the lesser classification street. Driveways serving single family, two-family or Single-Unit Townhouse residences are not permitted on major collectors or arterial streets unless the Transportation Director determines no other access is possible.
- (2) Multi-Unit Townhouse, as defined in Chapter 11 of this Code, multi-family and non-residential driveways are permitted on all streets; however, the driveways must have a minimum of two hundred feet (200') spacing between driveways on arterial streets and from the street centerline at an intersection.
- (3) The driveway restrictions above do not prohibit driveway access to alleys. Alley driveway access may be permitted upon approval of a TIA by the Transportation Director.

- (4) Driveway construction shall be in accordance with the Design and Construction Standards.

(Ordinance No. Z-05-01-13-9C7 of January 13, 2005)

8.410 BIKE WAYS

The Developer shall dedicate and construct all bike ways identified in the General Plan that are located within the boundaries of the Subdivision or Addition. The bike lanes shall be designed and identified with markings and materials in accordance with the Design and Construction Standards.

8.411 SIGNAGE, STRIPING AND SIGNALIZATION

(1) Signage and Striping

The Developer shall design, install and pay all costs for traffic control signs and pavement striping. Traffic control signs and pavement striping shall conform to the accepted Construction Plans and to the most recent edition of the "*Texas Manual of Uniform Traffic Control Devices*" a copy which is on file with the Transportation Director.

(2) Signalization

The Developer shall design, install and pay all costs for providing any required traffic signalization system identified in an approved TIA, including all related devices, conduits, wiring and junction boxes.

8.412 STREET LIGHTING

(1) Requirement

The Developer shall provide street lighting along all streets including cul-de-sacs and at all intersections. The street lighting requirements for local, collector and arterial streets shall be in conformance with the Design and Construction Standards.

(2) Illumination Plan

An illumination plan for all streets within the Plat shall be filed with the Construction Plans. The plan shall show the proposed location of the street lights and any electrical facilities within the street right-of-way or public utility easements. The street lighting facilities shall be complete and operational prior to acceptance of the Public Improvements. The illumination plan is subject to the approval of the City Engineer.

8.413 SUBDIVISION WALLS(1) Walls Required

Where Subdivisions are platted so that the rear and/or side yards of residential lots are adjacent to a major collector or higher classification street, the Developer shall construct, at his/her sole expense, walls between said rear and/or side yards and said street, in accordance with the standards set forth below. Where said lots are corner lots, the wall requirements of this Section 8.413 shall take precedence over corner lot fencing specifications regulated by Chapter 11 of this Code.

(2) Standards

It is intended that all walls erected pursuant to this Section 8.413 be constructed in such a manner to last thirty (30) years with minimal maintenance required during said period. All walls required by this section shall conform to the following minimum standards:

- (a) There applicable, materials and installation of walls shall comply with the most recent edition of "*Selected ASTM Standards for Fence Materials and Products*," a copy of which shall be maintained by the Engineering and Development Services Department. Structural plans and specifications for walls shall be approved by the City Engineer. Such plans and specifications are to be submitted at the same time as other Construction Plans required by this Chapter. In approving said plans and specifications, the City Engineer shall consider the site's soil characteristics, wind loadings and other environmental considerations.
- (b) Walls shall be constructed of the following materials: brick, stone, split faced or decorative concrete masonry unit (CMU), decorative reinforced concrete or other equivalent materials approved by the City Engineer, subject to the following:
 - (i) Wall pillars shall be constructed of masonry of sound structural integrity.
 - (ii) Wall panels shall be constructed of brick, stone, split faced or decorative concrete masonry unit (CMU), decorative reinforced concrete or other equivalent materials approved by the City Engineer. Panels shall be top capped as determined by the City Engineer.
- (c) Walls shall be a minimum of six feet and a maximum of eight feet in height. The materials, color and design of walls shall be uniform within an approved Preliminary Plat, unless otherwise approved by the Planning Department. A finished side of all walls shall face the thoroughfare.

- (d) All walls shall be placed at least five feet (5') from any existing or proposed City water line.
- (e) All walls required herein shall be placed on the property line between the right-of-way and the adjoining private property.

(3) Miscellaneous Provisions

- (a) A Plat note describing the location of proposed wall and associated landscaping including irrigation shall be included on the Preliminary Plat and Final Plat.
- (b) Detail plans for walls and associated landscaping including irrigation shall be submitted with the Construction Plans for Public Improvements.
- (c) Walls shall conform to the requirements of this Code governing sight distance for traffic safety.
- (d) Prior to the City's acceptance of the Public Improvements the Developer must complete all walls required herein.
- (e) It is not the intent of this Section 8.413 to regulate the design and/or construction of entrances to Subdivisions.
- (f) The City, at its option may maintain the wall. As a result, a five (5) foot access easement shall be provided along the back and sides of the property abutting the wall for maintenance purposes.

8.414 STREET NAMES AND ADDRESSES

(1) Street Names

Each Preliminary Plat shall indicate proposed street names for streets within the Addition or Subdivision. The Planning Director shall review and approve the proposed street names according to the following standards:

- (a) Street names shall not conflict with or duplicate any existing street names within Williamson County and the portion of Travis County north of the Colorado River. The disapproval of a proposed street name may be based on but is not limited to the following: close pronunciation to another street name, street name is too difficult to pronounce, street names with undesirable meanings or connotations, street names with language translation problems or street names that may cause the theft of a street sign.
- (b) New streets which are extensions or in alignment with existing streets, shall bear the name of the existing street unless otherwise approved by the Planning Director.

- (c) Street suffix terms shall be assigned in accordance with the guidelines contained in the latest edition of the "*Street Naming and Property Numbering Systems*" provided in Report Number 332 by the Planning Advisory Service of the American Planning Association. A copy of the report is maintained by the Planning Department.

(2) Final Plat

Approved street names shall be shown on the Final Plat.

(3) Street Addresses

Street addresses shall be assigned by the Planning Director.

8.415 LOTS

(1) Special Purpose Lots

Special purpose lots established for the purpose of parkland dedication, landscaping, postal boxes, flood plain, drainage conveyance, storage, or sedimentation and filtration, lift stations, or water storage, electrical substations, switching stations and other similar facilities needed for transmission and supply of public utilities, may be approved as exceptions to the lot requirements provided in Chapter 11 of this Code. In addition, a special purpose lot does not require street frontage but must provide vehicular access approved by the City Engineer.

(2) Double Frontage Lots

Double frontage lots are prohibited for all single family, two family and Single-Unit Townhouse lots unless no other lot configuration is practical as determined by the Planning Director.

(Ordinance No. Z-05-01-13-9C7 of January 13, 2005)

(3) Flag Lots

Flag lots are prohibited unless the following conditions are met:

- (a) The lot is intended for non-residential use, except as provided for in Section 8.421(2)(d);
- (b) The lot has a minimum width of fifty feet (50') at the street;
- (c) The length of the projection to the street does not exceed five hundred feet (500') or the depth of the abutting lot, whichever is less; and
- (d) There is a minimum distance of four hundred feet (400') from the nearest flag lot as measured along the street frontage.

(4) Lot Size

Except for special purpose lots and lots in the ETJ, the size of the lots shall conform with the requirements of Chapter 11 of this Code.

(5) Lot Width

Lot widths shall be determined according to the requirements of Chapter 11 of this Code.

(Ordinance No. S-06-06-22-9C2 of June 22, 2006)

(6) Lot Numbering

All lots shall be numbered consecutively within each block unless an alternative lot numbering arrangement is approved by the Planning Director.

(7) Lot Street Frontage

(a) The lot street frontage for a single-family residential lot abutting a right-of-way shall be no less than twenty-five feet (25').

(b) The lot street frontage for a non-residential or residential lot other than a single-family lot abutting a right-of-way shall be no less than fifty feet (50').

(Ordinance No. S-06-06-22-9C2 of June 22, 2006)

8.416 BLOCKS(1) Block Configuration

The configuration of blocks shall promote convenient and safe traffic and pedestrian circulation throughout the Subdivision.

(2) Restriction

Blocks of single-family, two-family or Single-Unit Townhouse lots shall not contain more than two (2) tiers of lots.

(Ordinance No. Z-05-01-13-9C7 of January 13, 2005)

(3) Block Length

Block lengths shall be designed to provide fire and police access to ensure public safety.

8.417 EASEMENTS(1) General Provisions

The Developer shall dedicate easements that allow approved lots within the Addition or Subdivision to have access to all public utilities. Where necessary to adequately serve the Addition or Subdivision with public utilities, easements shall be dedicated for all public utilities including water lines, wastewater, and stormwater drainage facilities and associated appurtenances. Such easements shall be provided as deemed necessary by the Planning and Zoning Commission.

(2) Location and Widths

Easements shall be appropriately located and of sufficient width to accommodate the required utilities. All easements for city utilities shall conform to the Design and Construction Standards.

8.418 POSTAL DELIVERY SERVICE

(1) Requirement

A Developer shall provide neighborhood delivery and collection box units for postal service to lots within a residential Subdivision. The neighborhood delivery and collection box units shall meet the minimum lot requirements and design standards for such facility as determined by the United States Postal Service ("Postal Service").

(2) Neighborhood Delivery and Collection Box Units

The Developer shall provide for neighborhood delivery and collection box unit locations within dedicated rights-of-way, easements or on special purpose lots shown on the Preliminary and Final Plats. The Preliminary and Final Plat shall show the neighborhood delivery and collection box unit locations as approved by the Postal Service. Approved neighborhood delivery and collection box unit locations shall also be shown on Construction Plans.

(3) Location of Neighborhood Delivery and Collection Box Units on Streets

Neighborhood delivery and collection box units shall be placed in a location that is convenient, accessible, safe and efficient to all lots in the Subdivision. The Developer shall abide by the standards established by the Postal Service. In addition, the following criteria shall be used to determine the site location of neighborhood delivery and collection box units:

- (a) In the street right-of-way of a local street, the site shall be generally located adjacent to a common rear lot line of two (2) lots;
- (b) In the street right-of-way of a collector street, the site shall be designed in accordance with the Design and Construction Standards;
- (c) The site shall not be located in the street right-of-way of an arterial street; and

- (d) In situations where special conditions exist and the location requirements provided above cannot be met, the Planning and Zoning Commission may approve an alternate location for the neighborhood delivery and collection box unit.

(4) Parking Requirements for Neighborhood Delivery and Collection Box Units

A minimum of one (1) parking space shall be provided for each eight (8) individual postal boxes for the first thirty-two (32) postal boxes excluding package boxes. One additional space shall be provided for each sixteen (16) individual postal boxes thereafter excluding package boxes.

Parking spaces for neighborhood delivery and collection box units may be located in the public right-of-way on local streets. Parking spaces may be located in the public right-of-way on collector streets provided the parking spaces are designed in accordance with the Design and Construction Standards.

(5) Design and Lighting Requirements for Neighborhood Delivery and Collection Box Units

Design and lighting requirements for neighborhood delivery and collection box units shall be in accordance with the Design and Construction Standards.

8.419 SUBDIVISION IDENTIFICATION SIGNS

Subdivision identification signs shall conform with the provisions of Section 3.1400 (Signs) of this Code.

8.420 ALTERNATIVE STANDARDS AGREEMENT

(1) Criteria

The unique nature of the land being platted may require, under proper circumstances, the departure from the adopted design criteria and Design and Construction Standards. The City Council may enter into an Alternative Standards Agreement with a Developer that departs from this Chapter if the following is met:

- (a) The proposed alternatives, in aggregate, fully address the intent and purpose of the standards of this Chapter; and
- (b) The Alternative Standards Agreement conforms with the general purposes, goals and objectives of the General Plan.

(2) Recording the Alternative Standards Agreement

The Alternative Standards Agreement and the Plat shall be recorded simultaneously in the official deed records of the County where the property is located. The recording costs shall be paid by the Developer. The Plat shall include a note referencing the Alternative Standards Agreement.

8.421 RURAL STANDARDS(1) Criteria

A Subdivision may be approved with rural standards if the following conditions are met:

- (a) All lots are a minimum of two (2) acres;
- (b) All lots have a minimum fifty foot (50') building setback;
- (c) All lots are single-family either by a zoning classification or by deed restrictions; and
- (d) No new collector or arterial streets are required.

(2) Standards

The following rural standards are permitted if Section 8.420(1) is met:

- (a) Streets may have either standard or ribbon curbs;
- (b) Open channels may be utilized and shall be constructed in accordance with the Design and Construction Standards;
- (c) Sidewalks are required on one side of the street for all residential Subdivisions comprised of four (4) lots or greater, for three (3) or fewer lots no sidewalks are required;
- (d) Flag lots are permitted if the conditions set out in Section 8.415(3) are met; and
- (e) Streets shall be constructed in accordance with the Design and Construction Standards.

8.422 PROTECTED TREES RELATED TO PLATTING

All Protected Trees on the site shall be protected in accordance with the Tree Protection Plan provided for in Section 3.1100 of this Code.

(Ordinance No. S-05-02-10-11C8 of February 10, 2005)

SECTION 8.500 UTILITIES8.501 WATER SYSTEM(1) Provide Water Lines

The Developer shall provide all water lines necessary to properly serve each lot of the Subdivision or Addition and insure that existing and/or new water facilities

can supply the required demand, including fire protection. The Developer shall install all necessary on-site and off-site mains and shall extend service to all lots terminating with a meter stop and meter box. For the orderly extension of water lines as established in the Water and Wastewater Master Plan, the Developer shall install water mains to the boundaries of his development for future connection by the development of the abutting land. Extension of service lines to multi-family and non-residential lots may be postponed until development of the lot if a main is installed in the abutting right-of-way located on the same side of the street as the lot. The Developer's engineer shall include a statement with the water system plans that the system meets the requirements of this Chapter and complies with the rules and regulations established by the TCEQ.

(2) Design and Construction

All water systems shall be designed and constructed in accordance with the Design and Construction Standards and conform with the TCEQ Design Criteria in the Texas Administrative Code, as amended.

8.502 WASTEWATER SYSTEM

(1) Sewer Service to Each Lot; Connection with Wastewater System Required

- (a) Connection with a TCEQ approved wastewater system shall be required except where the City Council determines that such connection would require unreasonable expenditure of funds when compared with alternate methods of sewage disposal. Where alternative sewage disposal is permitted, the plans for such system must meet the requirements of the TCEQ and be approved by the County Health Department, prior to approval of the Final Plat by the Planning and Zoning Commission.
- (b) The Developer shall install all wastewater mains and lines necessary to serve each lot. The Developer shall install necessary on-site and off-site wastewater mains and shall extend service to all lots terminating each service with a cap. For the orderly extension of wastewater lines as established in the Water and Wastewater Master Plan, the Developer shall install wastewater mains to the boundaries of his Final Plat for future connection by the development of the abutting land. For multi-family and non-residential Plats services to the lots shall connect at manholes.

(2) Developer to Submit Certificate

The Developer's engineer shall include a statement with the wastewater system plans that the wastewater system meets the requirements of this Chapter and complies with the rules and regulations established by the TCEQ.

(3) Design and Construction Criteria

All wastewater systems shall be designed and constructed in accordance with the Design and Construction Standards and conform with the TCEQ Design Criteria in the Texas Administrative Code, as amended.

8.503 OVERSIZE MAINS(1) Size of Mains

All water and wastewater mains shall be installed in accordance with the Water and Wastewater Master Plan maintained by the Utility Director. All water and wastewater mains shall be sized to provide necessary service to the tract to be developed. The cost of water mains up to eight (8) inches, or of a size required to serve a tract being developed, whichever is larger, shall be paid in full by the Developer.

(2) Oversize Mains

Where it is determined that on-site water and/or wastewater mains need to be of a larger size than is required to serve the tract to be developed, the City may require the Developer to install such oversized mains. For water mains less than sixteen (16) inches the Developer shall be reimbursed the incremental cost difference for oversizing from the oversize account described in paragraph (3) below. For oversized water mains sixteen (16) inches or greater, the Developer shall be reimbursed for the incremental cost difference required for oversizing from the oversize account approved for capital improvement projects, or through reimbursement contracts. For wastewater mains less than fifteen (15) inches the Developer shall be reimbursed the incremental cost difference for oversizing from the oversize account described in paragraph (3) below. For oversized wastewater mains fifteen (15) inches or greater, the Developer shall be reimbursed for the incremental cost difference required for oversizing from the oversize account approved for capital improvement projects, or through reimbursement contracts.

(3) Oversize Account

A special oversize account is hereby established for the purpose of reimbursing Developers for the cost of oversizing water and wastewater mains. The account shall be funded by water and wastewater oversize fees which are based on the number of LUEs to be added to the respective water and wastewater systems.

One LUE is equal to the amount of water consumed by a single-family dwelling unit based on an average consumption of four hundred fifty (450) gallons per day and the amount of wastewater produced using two hundred eighty (280) gallons per day average flow.

To determine the number of residential LUE's, the following calculations shall apply:

<u>LUE</u>	<u>Land Use</u>
1.0	Single Family/ per dwelling unit
0.9	Duplex or Single Family Attached/ per dwelling unit
0.8	Townhouse/ per dwelling unit
0.7	Multifamily/ per dwelling unit

LUE determinations for all other types of land uses shall be determined by the City Engineer pursuant to data submitted by the applicant from a certified engineer.

The water and wastewater oversize fees will be assessed to all Developers regardless of whether or not they are required to install an oversized line. For single-family, two-family, and Single-Unit Townhouse Plats the water and wastewater oversize fees shall be paid when the Developer requests recordation of the Plat. For Multi-Unit Townhouse, multifamily and non-residential Plats or when a Plat is not required, the water and wastewater oversize fees shall be paid when an application for a building permit is submitted. Interest income earned from this account shall be added to the account.

(Ordinance No. Z-05-01-13-9C7 of January 13, 2005)

(4) Reimbursement

After acceptance of the Public Improvements by the City Engineer, a Developer shall present in writing to the City Engineer, a request for oversize reimbursement. A request for reimbursement shall be made within five years from the date of recordation, building permit application submittal or effective date of the reimbursement contract, whichever is applicable. After review by the City Engineer for completeness of the request, the request for reimbursements shall be presented to the City Council for approval. The reimbursement for the cost of oversizing will be paid from available funds within thirty (30) days after the City Council approves the reimbursement amount. Developers shall be reimbursed in chronological order of the written request for reimbursement. In the event that sufficient funds are not available, interest will accrue at a rate established by the City Council. If a Developer is delinquent in the payment of fees and taxes to the City, the City Council may deduct from the reimbursement the amount owed to the City.

(5) Oversize Credit

In the event that there are sufficient funds in the oversize account to meet approved reimbursements in accordance with subsection 8.503(4) and to meet contractual obligations, a Developer may be entitled to a credit against the water and wastewater oversize fees. Provided, however, no credit will be granted to any Developer who is delinquent in the payment to the City of any fees or taxes. Subject to the foregoing, a Developer may reduce the amount of the water and wastewater oversize fees by an amount equal to the reimbursement, if any, to be issued upon the acceptance of the Public Improvements.

(6) Fees, Reimbursement Rate and Interest Rate

Water and wastewater oversize fees shall be established by the City Council. Fees shall be paid at recordation as provided for in Section 8.213(1)(i). Periodically, the City Council shall review and approve the water oversize fee, wastewater oversize fee, a fixed rate of reimbursement per inch of diameter per linear foot of oversized mains installed, and the rate of interest to be paid.

SECTION 8.600 STORMWATER DRAINAGE FACILITIES

8.601 GENERAL POLICIES

- (1) Stormwater drainage improvements shall be provided for the Subdivision or Addition. Stormwater drainage improvements must not adversely affect abutting properties. Stormwater drainage facilities shall be designed in compliance and in accordance with this Chapter, the Design and Construction Standards and generally recognized accepted engineering practices.
- (2) All stormwater drainage facilities shall be designed to intercept and transport the projected runoff from a twenty-five year (25-year) frequency storm. In addition, those flows greater than a 25-year frequency up to and including a one hundred year (100-year) frequency storm shall be contained within the right-of-way of public streets and drainage easements.
- (3) Projected runoff rates for the design and analysis of stormwater drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area and shall apply to any and all references to flood plain, flows, design frequencies or any other quantitative hydraulic description found in this Chapter.
- (4) The requirements provided in this Chapter shall not relieve the owner of responsibility under state law to adjacent and downstream property owners.

8.602 STORMWATER DRAINAGE FACILITIES

(1) On-site Detention Facilities

Except as stated herein, all development establishing impervious cover or otherwise modifying an existing site shall incorporate on-site drainage facilities to prevent any increase in the peak rate of runoff from the two (2), ten (10) and twenty-five (25) year frequency storm. The City Engineer may modify this requirement under either of the following circumstances:

- (a) An approved off-site storage is provided by the Developer for the required regulation of peak flows; or
- (b) Sealed engineering data and calculations are presented which fully describe, explain and justify recommended alternatives.

(2) Regional Stormwater Management Program

(a) Participation

In lieu of required on-site or off-site detention facilities, a Developer may request to participate in the regional stormwater management program. The City Engineer may accept a tract of land in the regional stormwater

management program if the proposed development, including any off-site improvements will not result in additional identifiable adverse flooding of other property. A comprehensive engineering report providing engineering data and calculations which fully describe and justify participation in the program shall accompany all participation requests.

(b) Regional Stormwater Management Program Fees

- (i) Participation fees shall be established by the City Council. The participation fees are as provided in Chapter 3 of this Code and based upon proposed land use.
- (ii) Adjustment of these fees may be allowed if the City Engineer determines that certain impervious coverage restrictions, (e.g. special watershed ordinances), reduce the actual land use. However, a minimum fee regardless of any land use restrictions, shall be required. The minimum fee shall be established by City Council.
- (iii) Upon approval of participation, the fees will be due prior to recordation of single family or two-family Plats or upon building permit approval for all other projects.

8.603 COMPUTATIONS AND PLANS

- (1) Plans for proposed drainage facilities shall be submitted to the City Engineer for acceptance prior to construction.
- (2) Computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include, but is not limited to, a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions and other pertinent hydrologic and hydraulic data.
- (3) Certification shall be submitted by an engineer that the plans and computations are in compliance with the requirements of this Chapter.

8.604 SUBDIVISION AND ADDITION PLATS

- (1) Preliminary and Final Plats for Additions or Subdivisions shall show the limits of the Ultimate 100-Year Floodplain for all waterways draining fifty (50) or more acres by hatch marking said floodplain on the Plat. In addition, all Preliminary and Final Plats shall show the limits of Zones A and AE as depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) if such zones fall within the boundaries of the Plat.
- (2) The Final Plat of any proposed Addition or Subdivision showing the limits of the Ultimate 100-Year Floodplain shall contain the following Plat note:

No fences, structures, storage or fill shall be placed within the limits of the Ultimate 100-Year Floodplain.

- (3) The Final Plat of any proposed Addition or Subdivision containing any property within SF-R, SF-1, SF-2, TF, or TH zoning districts shall provide public right-of-way, drainage easements or separate lots dedicated for such purposes to cover at a minimum the Ultimate 100-Year Floodplain areas, drainage channels, pipe systems, and any other related drainage facilities. All other Final Plats shall provide drainage easements or separate lots dedicated for such purposes to cover at a minimum the Ultimate 25-Year Floodplain areas, drainage channels, pipe systems and any other related drainage facilities.
- (4) The Final Plat shall establish minimum finished floor elevations for all lots at two feet (2') above the Ultimate 100-Year Floodplain elevation. The establishment of minimum finished floor elevations is required except when proof is presented that the lots are two feet (2') above the nearest Ultimate 100-Year Floodplain.
- (5) The Final Plat shall contain a statement by an engineer certifying the easements, slab elevations and any other drainage related notes are in compliance with this Chapter.
- (6) No portion of any land located in the Ultimate 100-Year Floodplain shall be counted toward the minimum lot area requirement.

SECTION 8.700 PUBLIC IMPROVEMENTS

8.701 CONSTRUCTION PLANS SUBMISSION

(1) Submittal

Subdivision Improvement Construction Plans shall be submitted for review and acceptance by the City Engineer for all development for which Public Improvements are required.

(2) Developer Must Retain Engineer

The Developer must retain the services of an engineer, registered in the State of Texas, whose seal shall be placed on the Subdivision Improvement Construction Plans in accordance with the Texas Engineering Practice Act. The engineer shall be responsible for the services as described in the Design and Construction Standards. The services performed by the engineer shall be as designated in the latest edition of the "Manual of Professional Practice-General Engineering Services," published by the Texas Society of Professional Engineers, and shall include both design and inspection as defined therein.

(3) Submittal Content

Except as provided herein, after Preliminary Plat approval, Subdivision Improvement Construction Plans may be submitted to the City Engineer for acceptance. The Subdivision Improvement Construction Plans submittal shall include all of the information specified in the Development Packet.

(4) State Review

All Subdivision Improvement Construction Plans must comply with the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and the Americans with Disabilities Act of 1990, as amended. The Developer shall submit applicable portions of the Subdivision Improvement Construction Plans to the Texas Department of Licensing and Regulation for review. Upon the completion of construction, the Developer shall request inspection of all pedestrian facilities by the Texas Department of Licensing and Regulation and pay all necessary fees. The City will not accept the Public Improvements until the Developer provides evidence that the plans have been reviewed and approved by the Texas Department of Licensing and Regulation and that payment of the required inspection fees has been made.

(5) Expiration of Accepted Subdivision Improvement Construction Plans

The Subdivision Improvement Construction Plans will expire two (2) years from the date of acceptance by the City Engineer if construction has not commenced. Even after construction has commenced, the accepted Subdivision Improvement Construction Plans will expire three (3) years from the date of acceptance. If accepted Subdivision Improvement Construction Plans expire, the plans shall be resubmitted for review and acceptance to ensure compliance with the current Design and Construction Standards.

(6) Pre-construction conference

After the acceptance of the Subdivision Improvement Construction Plans, a pre-construction conference shall be required prior to commencement of construction of the Public Improvements. The pre-construction conference shall be held with the City Engineer and include the following people: Developer, Developer's contractor, Developer's engineer and other parties as determined by the City Engineer.

8.702 CONSTRUCTION OF PUBLIC IMPROVEMENTS(1) Requirement

All Public Improvements required by these regulations shall be installed and constructed by the Developer, or his successors in title, within three (3) years from the acceptance of the Subdivision Improvement Construction Plans. All improvements shall conform with the provisions of this Chapter and the accepted plans.

(2) Failure to Complete Improvement

Where Public Improvements are not completely installed and constructed within the three (3) years, the City may do the following:

- (a) Where an additional fiscal security was required by Section 8.704, obtain the funds under the security to complete the Public Improvements using a third party selected by the City; and/or
- (b) Exercise any other rights available under the law.

(3) Sidewalk Construction(a) Sidewalks for Single Family, Two-Family and Single-Unit Townhouse Lots

Except as provided in Section 8.405(3), a Developer shall install sidewalks on the rear of double frontage lots, on the side of a corner lot and where shown on the Subdivision Improvement Construction Plans.

(b) Sidewalks for Multi-Unit Townhouse, Multifamily, and Non-Residential Lots

A Developer shall install sidewalks for Multi-Unit Townhouse, multifamily and non-residential lots that abut a public street and where shown on the Subdivision Improvement Construction Plans. A Subdivision shall not be accepted until the sidewalk has been constructed in accordance with the regulations of this Chapter and has been inspected and approved by the City Engineer.

(Ordinance No. Z-05-01-13-9C7 of January 13, 2005)

(c) Deferment of Sidewalk Construction

Sidewalks shall be installed in accordance with (a) and (b) above, except under the following circumstances, as determined by the Transportation Director:

- (i) Where the existing cross-section of the street makes immediate construction of a sidewalk impractical;
- (ii) Where a non-residential Subdivision abutting an existing street is isolated from any other sidewalk by a distance of twice the frontage of the Subdivision; or
- (iii) Where construction or reconstruction of the road where a sidewalk is to be placed is imminent and the sidewalk would be destroyed if constructed.

The City may require a cash payment by the Developer in lieu of construction of the sidewalk if the Planning and Zoning Commission determines that the sidewalk should not be built within the three (3) year period of the Construction Plans. The cash payment shall equal the cost of constructing and installing the sidewalk at the time of acceptance of the Public Improvements. The Developer shall pay the cash payment prior to the acceptance of the Public Improvements by the City.

(d) State Review

All sidewalks must comply with the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and with the Americans with Disabilities Act of 1990, as amended, whichever is more restrictive. The Developer shall submit its sidewalk plans to the Texas Department of Licensing and Regulation for review and upon completion of the construction, for inspection. The City will not accept the Public Improvements until the Developer provides documentation that the sidewalk plans have been reviewed and approved by the Texas Department of Licensing and Regulation. The Developer is responsible for all fees associated with the State plan review and inspection and must submit to the City evidence of the payment of all required inspection fees.

(4) Benchmarks

(a) Designation

A permanent benchmark shall be designated with each Addition or Subdivision. Benchmarks shall be located on public property in a location acceptable to the City Engineer. Benchmarks are considered Public Improvements and shall consist of a brass disk, furnished by the City, set in a concrete structure of such mass and dimensions and constructed on an unyielding foundation that, in the opinion of the City Engineer, will ensure the integrity of the benchmark.

(b) Installation

Prior to acceptance of the Public Improvements, benchmarks shall be installed by the Developer. The elevation, horizontal datum and description of each benchmark installed shall be certified by a surveyor and submitted to the City Engineer on a form provided by the City and contained in the Development Packet. In the event that Public Improvements are not required, benchmarks shall nevertheless be installed by the Developer and the certified elevation and description provided to the City Engineer prior to Plat recordation.

(c) Modification

The City Engineer may modify the benchmark requirement if he/she determines one of the following:

- (i) The requirement would create needless redundancy of benchmarking because an established public benchmark exists in the immediate vicinity, is readily accessible, and will not be removed or made inaccessible by construction associated with the Addition or Subdivision;
- (ii) The requirement creates undue hardship on the Developer;
- (iii) The City's supply of brass disks is exhausted or there is no feasible opportunity to install a brass disk in a suitable structure. In this case, the City Engineer may approve a permanent benchmark established in conformance with generally accepted surveying and engineering practices; or
- (iv) Lack of development within the Subdivision or Addition.

8.703 REQUIRED IMPROVEMENTS

The Developer shall construct or provide all applicable Public Improvements required by this Chapter. All improvements which the Developer is required to make shall be made by the Developer at his expense without reimbursement by the City, except as otherwise provided in this Chapter. The City may contract with a Developer to construct Public Improvements relating to the development in accordance with Chapter 212, Subchapter C of the Texas Local Government Code, as amended.

8.704 FISCAL SECURITY

A Developer must post fiscal security with the City prior to a request for recordation of the Final Plat if the Public Improvements have not been accepted by the City Engineer and provided that the Subdivision Improvement Construction Plans have been accepted by the City Engineer.

(1) Amount

The amount of fiscal security posted by the Developer shall equal the estimated cost plus ten percent to complete the Public Improvements that have not been accepted. The Developer's engineer must provide the City Engineer with a sealed opinion of the probable cost for his approval.

(2) Types

A Developer may post as fiscal security:

- (a) A performance bond; or
- (b) A letter of credit, approved by the City Attorney, as provided in the Development Packet.

(3) Return of Fiscal Security

The City shall return the fiscal security to the Developer when a final acceptance letter of the Public Improvements has been issued.

(4) Expenditure of Fiscal Security

The City may draw on the fiscal security and pay the cost of completing the Public Improvements if it determines that the Developer has breached the obligations secured by the fiscal security or the three (3) year time period for the installation and construction of the required Public Improvements has expired. The City shall refund the balance of the fiscal security, if any, to the Developer. The Developer shall be liable for the cost that exceeds the amount of fiscal security, if any.

8.705 INSPECTION AND ACCEPTANCE(1) Entry and Inspection

The City Engineer and other City employees shall have the right to enter upon the construction site for the purpose of conducting inspections. The City Engineer shall conduct inspections of the Public Improvements during construction to ensure general conformity with plans and specifications as accepted. If the City Engineer finds upon inspection that any of the Public Improvements have not been constructed in accordance with this Chapter and the Design and Construction Standards, then the Developer shall be responsible for making the necessary changes to insure compliance.

Upon completion of the Public Improvements, the Developer shall arrange with the City Engineer for a final inspection to determine that the Public Improvements have been installed and in conformity with the accepted Subdivision Improvement Construction Plans. The Developer shall pay all necessary inspection fees prior to the acceptance of the Public Improvements by the City.

(2) Acceptance of Improvements(a) Request Acceptance of Public Improvements

Upon completion of the construction of the Public Improvements, the Developer shall request that the City Engineer accept the improvements for maintenance. Concurrent with the request for acceptance of the Public Improvements for maintenance, the Developer shall submit all information required for acceptance of improvements specified in the Development Packet.

(b) Letter of Acceptance

Upon satisfactory completion of the Public Improvements and receipt of the information and items requested for the acceptance, the City Engineer shall issue a letter accepting the Public Improvements and shall forward a copy of the letter of acceptance to the Planning Director.

8.706 MAINTENANCE OF IMPROVEMENTS

The Developer shall be responsible for the maintenance and repair of all Public Improvements for one (1) year after acceptance of said Public Improvements by the City. Prior to issuance of the letter of acceptance by the City Engineer pursuant to Section 8.705, a one (1) year maintenance guarantee, in favor of the City, shall be provided by the Developer by means of a warranty bond, subject to the approval of the City, in the form specified in the Development Packet.

(Ordinance No. S-04-07-22-12C2 of July 22, 2004)